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CONFIDENTIAL

The White House

Washington

November 8, 1960

MEMORANDUM FOR

THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE DIRECTOR, CENTRAL
INTELLIGENCE AGENCY

Section 201 of Executive Order No. 10893, dated November 8, 1960, dealing with the Mutual Security Act of 1954, as amended, reads as follows:

"Section 201. Functions of Chiefs of United States Diplomatic Missions. The several Chiefs of the United States Diplomatic Missions in foreign countries, as the representatives of the President and acting on his behalf, shall have and exercise, to the extent permitted by law and in accordance with such instructions as the President may from time to time promulgate, affirmative responsibility for the coordination and supervision over the carrying out by agencies of their functions in the respective countries."

This Section is not intended to supersede existing arrangements with respect to foreign intelligence activities, which are governed by National Security Council intelligence directives and other pertinent directives, regulations, and procedures.

/s/

Dwight D. Eisenhower

cc: Bureau of the Budget
National Security Council

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November 8, 1960

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES:

I have today signed an Executive order which is designed to carry out the provisions of the Mutual Security Act of 1954, as amended, and to provide for the administration of United States activities in foreign countries. I wish to direct particular attention to Part II of the order. The coordination and supervision of these activities is a most vital aspect of the conduct of our foreign affairs.

It is my desire that all appropriate steps be taken to assure that the Chief of the United States Diplomatic Mission is effective in discharging his role as the representative of the President. Therefore, I am instructing that, to the extent permitted by law and within the framework of established policies and programs of the United States, the Chief of Mission shall have and exercise affirmative responsibility for the coordination and supervision of all United States activities in the country to which he is accredited. It is expected that particular emphasis will be given to the following in the exercise of this authority: (1) the Chief of Mission will take affirmative responsibility for the development, coordination, and administration of diplomatic, informational, educational, and trade activities and programs; economic, technical and financial assistance; military assistance; and the disposal of surplus agricultural commodities abroad, (2) the Chief of Mission will assure compliance with standards established by higher authority, and will recommend appropriate changes in such standards and suggest desirable new standards, governing the personal conduct and the level of services and privileges accorded all United States civilian and military personnel stationed in the foreign country and report to the President upon adherence to such standards, and (3) the Chief of Mission will establish procedures so that he is kept informed of United States activities in the country. He will report promptly to the President as to any matter which he considers to need correction and with respect to which he is not empowered to effect correction.

In order that there be full understanding of the above, it is my desire that the Chief of Mission be made fully aware of his responsibilities and authority with respect to United States activities, in the country to which he is assigned, under today's order and this memorandum. Not only should instructions be issued to the

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United States Missions; provision should also be made for complete instruction in these matters before a new Chief of Mission assumes his duties at his post. It is the responsibility of each agency concerned to participate in the indoctrination of each Chief of Mission and take steps within the agency to instruct its personnel as to the authority of the Chief of Mission and as to the necessity of keeping him fully informed concerning current and prospective program and administrative activities.

Steps should also be taken to provide the Chief of Mission with the necessary staff assistance so he can fully carry out the assigned tasks. The Director of the Bureau of the Budget is requested (1) to take the lead, in consultation with the Department of State and other interested agencies, in developing the most appropriate method of providing the required staff facilities at the country level, and of establishing such arrangements in Washington, as may be necessary to enable each Chief of Mission to carry out effectively his responsibilities as the representative of the President, and (2) to present to the President appropriate recommendations with respect to such facilities and arrangements.

The following prior Presidential documents (related to the subject of this memorandum or of today's Executive order), to the extent not previously rendered obsolete or otherwise inapplicable, are hereby superseded:

1. The June 1, 1953, memorandum regarding the reorganization of the Executive Branch for the conduct of foreign affairs.

2. The memorandum of three heads of departments and the Director for Mutual Security concerning the reorganization of the Special Representative in Europe, which was approved June 16, 1953.

3. The November 6, 1954, letter concerning Executive Order No. 10575, etc.

4. The April 15, 1955, letter to the Secretary of State concerning the establishment of the International Cooperation Administration, etc.

5. The July 24, 1956, memorandum concerning administration of overseas functions.

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C O P Y

6. The November 19, 1959, memorandum concerning reports required by sections 111(a) and 111(b) of the Mutual Security Appropriation Act, 1960.

This memorandum shall be published in the Federal Register.

/s/

Dwight D. Eisenhower

C O P Y

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FEDERAL REGISTER

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Washington, Thursday, November 10, 1960

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Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10892

AMENDMENT OF EXECUTIVE ORDER NO. 10152,[1] PRESCRIBING REGULATIONS RELATING TO INCENTIVE PAY FOR THE PERFORMANCE OF HAZARDOUS DUTY BY MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me by sections 204 and 301(d) of the Career Compensation Act of 1949, as amended (37 U.S.C. 235, 301(d)), and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. Section 6 of Executive Order No. 10152 of August 17, 1950, is amended to read as follows:

"SEC. 6. Members who, pursuant to competent orders, are attached to a submarine which is in an active status, including a submarine under construction from the time builders' trials commence, shall be entitled to receive incentive pay for the performance of submarine duty. The term 'builders' trials' shall be construed to mean trials conducted underway or in free route. A member who, pursuant to competent orders, performs duty as an operator or crew member of an operational, self-propelled submersible, including undersea exploration and research vehicles, shall likewise be entitled to receive incentive pay for the performance of submarine duty. In the case of nuclear-powered submarines this entitlement shall include periods of training and rehabilitation after assignment thereto as determined by the Secretary of the Navy."

SEC. 2. This order shall become effective as of July 12, 1960.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 8, 1960.

[F.R. Doc. 60-10571; Filed, Nov. 8, 1960; 3:48 p.m.]

Executive Order 10893

ADMINISTRATION OF MUTUAL SECURITY AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Mutual Security Act of 1954, 68 Stat. 832, as amended (22 U.S.C. 1750 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

[1] 3 CFR, 1949–1953 Comp., p. 327; 15 F.R. 5489.

PART I—ASSIGNMENT OF FUNCTIONS AND FUNDS

SECTION 101. *Department of State.* (a) Exclusive of the functions otherwise delegated, or excluded from delegation, by this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State all functions conferred upon the President (1) by the Mutual Security Act of 1954, hereinafter referred to as the Act, (2) by the Mutual Defense Assistance Control Act of 1951, 65 Stat. 644 (22 U.S.C. 1611 *et seq.*), and (3) by those provisions of acts appropriating funds under the authority of the Act which are wholly or primarily relevant to the Act.

(b) In determining upon the furnishing of assistance on terms of repayment pursuant to the Act, and upon the amounts and terms of such assistance, the Secretary of State shall consult with the National Advisory Council on International Monetary and Financial Problems in respect of policies relating to such assistance and terms. The Secretary of State shall also consult the Council with respect to policies concerning the utilization of funds in the Special Account provided for in section 142(b) of the Act and concerning such other matters as are within the cognizance of the Council pursuant to section 4 of the Bretton Woods Agreements Act (22 U.S.C. 286 *et seq.*).

(c) In carrying out the functions conferred upon the President by section 414 of the Act, the Secretary of State shall consult with appropriate agencies. Designations, including changes in designations, by the Secretary of State of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under that section shall have the concurrence of the Secretary of Defense.

(d) The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946, 60 Stat. 999 (22 U.S.C. 801 *et seq.*), all under section 526 of the Act, shall have the approval of the Secretary of State.

(e) All functions under the Act, the Mutual Defense Assistance Control Act of 1951, and the United States Information and Educational Exchange Act of 1948, 62 Stat. 6 (22 U.S.C. 1431 *et seq.*), and all functions under those provisions of acts appropriating funds under the authority of the Act which are wholly or primarily relevant to the Act, however vested, delegated, or assigned, shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

SEC. 102. *Department of Defense.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(1) The functions conferred upon the President by Chapter I of the Act, exclusive of (i) those so conferred by section 105(b)(3) thereof, (ii) so much of those so conferred by the third sentence of section 105(b)(4) of the Act as consists of determining that internal security requirements may be the basis for programs of military assistance in the form of services, (iii) so much of those so conferred by the first sentence of section 106(b) of the Act as consists of determining that a nation or international organization may make available the fair value of equipment, materials, or services, sold thereto or rendered therefor, at a time or times other than in advance of delivery of the equipment, materials, or services, and (iv) those reserved to the President by section 110 of this order.

(2) The functions conferred upon the President by sections 142(a)(7) and 511(c) of the Act.

(3) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 142(a)(10), 505(a), 511(b), 527(a), 528, 529(a), and 550 of the Act.

(4) The functions conferred upon the President by the fourth and fifth provisos of section 108 of the Mutual Security Appropriation Act, 1956, 69 Stat. 438.

(b) In carrying out the functions under section 550 of the Act delegated to him by the foregoing provisions of this section, the Secretary of Defense shall consult with the Secretary of State.

SEC. 103. *Department of the Treasury.* There is hereby delegated to the Secretary of the Treasury the function conferred upon the President by the fifth sentence of section 505(b) of the Act.

SEC. 104. *Department of Commerce.* (a) There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 413(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in other free nations.

(b) The Secretary of Commerce is hereby designated as the officer through whom the functions provided for in the first sentence of section 416 of the Act shall be carried out.

SEC. 105. *Development Loan Fund.* There are hereby delegated to the Managing Director of the Development Loan Fund, acting subject to the supervision and direction of the board of directors of the Development Loan Fund:

(1) So much of the functions conferred upon the President by section 504(a) of the Act as consists of assisting

American small business to participate equitably in the furnishing of commodities and services financed with funds authorized under Title II of Chapter II of the Act.

(2) So much of the functions conferred upon the President by section 527(a) of the Act as consists of determining such personnel as need be employed by the Development Loan Fund to carry out the provisions and purposes of the Act.

SEC. 106. *Cost-sharing arrangements.* The functions conferred upon the President by section 527(e) of the Act are hereby delegated to the several heads of agencies in respect of any functions under the Act performed by officers and employees of those agencies, respectively.

SEC. 107. *Studies.* (a) The Departpartments of State and Commerce and such other agencies as they deem appropriate shall conduct the annual studies under section 413(c) of the Act.

(b) The Department of State and such other agencies as it deems appropriate shall conduct the study under section 413(d) of the Act.

SEC. 108. *United States Information Agency.* The United States Information Agency shall perform the functions provided for by law with respect to publicizing abroad the activities carried out under the Act.

SEC. 109. *Allocation, advance, and transfer of funds.* (a) Funds heretofore or hereafter appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated or advanced without any further action of the President, as follows:

(1) There are allocated to the Secretary of State all funds for carrying out the Act except those made available exclusively for carrying out Chapter I and Title II of Chapter II of the Act.

(2) There are allocated to the Secretary of Defense funds made available exclusively for carrying out Chapter I of the Act; but, for the purposes of the second sentence of section 108 of the Mutual Security Appropriation Act, 1956, such funds shall be available only when and in such amounts as they have been apportioned, for use, by the Bureau of the Budget.

(3) Funds for carrying out Title II of Chapter II of the Act shall be advanced to the Development Loan Fund.

(b) The Secretary of State, the Secretary of Defense, and the Development Loan Fund may allocate or transfer, as appropriate, any funds received under paragraphs (1), (2), and (3), respectively, of subsection (a) of this section, to any agency, or part thereof, for obligation or expenditure thereby consistent with applicable law, subject, however, to the provisions of section 110(2) of this order.

(c) The utilization of funds without regard to the existing laws governing the obligation and expenditure of Government funds as authorized by section 411(d) of the Act shall be limited as far as practicable and shall in any event be confined to instances in which such utilization (1) is deemed to further the more economical, efficient, or expeditious carrying out of functions under the Act, or (2) is deemed to obviate or mitigate hardship occurring with respect to personnel administering functions under the Act in connection with the administration of these functions or with respect to the families of personnel by reason of the duties of the respective heads of families under the Act, or (3) is for the purpose of settling any claim arising outside the United States for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government administering functions under the Act while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

SEC. 110. *Reservation of functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(1) The functions conferred upon the President by the Act with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate.

(2) The functions conferred upon the President with respect to findings, determinations, certifications, agreements, directives, or transfers of funds, as the case may be, by sections 104(b), 105 (except so much of those functions conferred by the third sentence of section 105(b)(4) as relates to services), 131(a) (proviso), 141, 404, 411(c), 451(a), 501, 521, 522(b), 523(d), and 552 of the Act, and by sections 103(b), 104, 203, and 301 of the Mutual Defense Assistance Control Act of 1951.

(3) The functions conferred upon the President by sections 101, 107(a)(2), 413(c), 413(d), 502(c), 503(a), 503(b), 523(c), 525, 533, 534(a), and 545(d) of the Act, by the first sentence of section 144 of the Act, and by the second sentence of section 416 of the Act, and, subject to Part II of this order, the functions so conferred by section 523(b) of the Act.

(4) So much of the functions conferred upon the President by section 403 of the Act as consists of determining any provision of law to be disregarded to achieve the purposes of that section.

(5) The functions conferred upon the President by sections 101(d)(2), 107 (second sentence), 110, and 111 of the Mutual Security and Related Agencies Appropriation Act, 1961 (74 Stat. 778; 779).

PART II—COORDINATION AND SUPERVISION OF FUNCTIONS ABROAD

SEC. 201. *Functions of Chiefs of United States Diplomatic Missions.* The several Chiefs of the United States Diplomatic Missions in foreign countries, as the representatives of the President and acting on his behalf, shall have and exercise, to the extent permitted by law and in accordance with such instructions as the President may from time to time promulgate, affirmative responsibility for the coordination and supervision over the carrying out by agencies of their functions in the respective countries.

PART III—GENERAL PROVISIONS

SEC. 301. *Continuation of Department of State arrangements.* There shall continue to be in the Department of State, subject to the direction and control of the Secretary of State, the following:

(1) The International Cooperation Administration (including the offices transferred to the Department by the provisions of section 102 (a) of Executive Order No. 10610 of May 9, 1955) as an agency in the Department of State.

(2) All now-existing functions which (i) immediately prior to the effective date of Executive Order No. 10610 of May 9, 1955, were conferred by law upon the Foreign Operations Administration or the Director of the Foreign Operations Administration, or on agencies or officials of the Foreign Operations Administration, and (ii) were by that order transferred to the Secretary of State or the Department of State.

(3) The Office of Small Business provided for in section 504(b) of the Act and the functions vested in it by law, which functions shall remain therewith.

SEC. 302. *Personnel.* (a) The performance of the functions conferred upon the President by section 527(c) of the Act (and by this order delegated to the Secretary of State) shall be governed by the following:

(1) The authority which the Secretary of State is authorized to exercise with respect to personnel appointed, employed, or assigned to perform functions under the Act shall include (i) the authority available to the Secretary under the Foreign Service Act of 1946 (including section 571 of that Act) relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees, (ii) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees, (iii) the authority available to the Secretary under sections 1021 through 1071 of the Foreign Service Act of 1946, (iv) with respect to personnel appointed or assigned pursuant to the provisions of section 527(c)(2) of the Act, the authority of the Board of Foreign Service provided for by the Foreign Service Act of 1946, and (v) the authority to prescribe or issue (in pursuance of the Foreign Service Act of 1946, the Mutual Security Act of 1954, or other applicable law) and such regulations, orders, and instructions, not inconsistent with law, as may be incidental to or necessary for or desirable in connection with the carrying out of the provisions of section 527(c) of the Act or the provisions of this order.

(2) The prohibitions and requirements contained in sections 1001 through 1005 and section 1011 of the Foreign Service Act of 1946 shall be applicable to all personnel appointed or assigned under the provisions of that act as authorized herein.

(3) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Act for the purpose of performing functions under the Act outside the United States shall not, unless

otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

(b) In carrying out the provisions of section 527(c)(1) of the Act, the Secretary of State may authorize any agency to perform any functions specified therein to the extent that they relate to other functions under the Act administered by such agency.

SEC. 303. *Definitions.* As used in this order, the word "function" or "functions" embraces duties, powers, responsibilities, authority, and discretion; and the word "agency" or "agencies" embraces any department, agency, board, instrumentality, commission, or establishment of the United States Government, and any corporation partly or wholly owned by it.

SEC. 304. *References to acts and orders.* (a) Except in respect of any reference which has been or may be revoked, superseded, or otherwise made inapplicable, and except as may for any other reason be inappropriate:

(1) References in any Part of this order or in any other Executive order to the Mutual Security Act of 1954 or to this order or to any provision of either thereof, and references in this order to the Act or to any other act or to any provision of either thereof, shall be deemed to include references thereto, respectively, as amended from time to time.

(2) References in any prior Executive order not superseded under section 305 (a) of this order to any provisions of any Executive order so superseded (including the reference in section 3(c) of Executive Order No. 10560 of September 9, 1954 (19 F.R. 5927), as affected by the provisions of section 303(b) of Executive Order No. 10575 of November 6, 1954, to Part II of the latter order) shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

(b) Any reference in this order to provisions of any appropriation act shall be deemed to include a reference to any hereafter-enacted provisions of law which are the same or substantially the same as such appropriation act provisions.

SEC. 305. *Superseded orders.* (a) The following-described orders, and parts of order, are hereby superseded:

(1) Executive Order No. 10575 of November 6, 1954 (19 F.R. 7249).

(2) Executive Order No. 10610 of May 9, 1955 (20 F.R. 3179).

(3) Executive Order No. 10625 of August 2, 1955 (20 F.R. 5571).

(4) Executive Order No. 10663 of March 24, 1956 (21 F.R. 1845).

(5) Executive Order No. 10742 of November 29, 1957 (22 F.R. 9689).

(6) Sections 1 and 2 of Executive Order No. 10822 of May 20, 1959 (24 F.R. 4159).

(b) The foregoing provisions of this section shall not derogate from the provisions of section 301 of this order.

SEC. 306. *Saving provisions.* Except to the extent that they may inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 8, 1960.

[F.R. Doc. 60-10572; Filed, Nov. 8, 1960; 3:48 p.m.]

Memorandum of November 8, 1960

[FUNCTIONS AND RESPONSIBILITIES OF CHIEFS OF UNITED STATES DIPLOMATIC MISSIONS]

To the heads of Executive Departments and Agencies

THE WHITE HOUSE
Washington, November 8, 1960.

I have today signed an Executive order which is designed to carry out the provisions of the Mutual Security Act of 1954, as amended, and to provide for the administration of United States activities in foreign countries. I wish to direct particular attention to Part II of the order. The coordination and supervision of these activities is a most vital aspect of the conduct of our foreign affairs.

It is my desire that all appropriate steps be taken to assure that the Chief of the United States Diplomatic Mission is effective in discharging his role as the representative of the President. Therefore, I am instructing that, to the extent permitted by law and within the framework of established policies and programs of the United States, the Chief of Mission shall have and exercise affirmative responsibility for the coordination and supervision of all United States activities in the country to which he is accredited. It is expected that particular emphasis will be given to the following in the exercise of this authority: (1) the Chief of Mission will take affirmative responsibility for the development, coordination, and administration of diplomatic, informational, educational, and trade activities and programs; economic, technical and financial assistance; military assistance; and the disposal of surplus agricultural commodities abroad (2) the Chief of Mission will assure compliance with standards established by higher authority, and will recommend appropriate changes in such standards and suggest desirable new standards, governing the personal conduct and the level of services and privileges accorded all United States civilian and military personnel stationed in the foreign country and report to the President upon adherence to such standards, and (3) the Chief of Mission will establish procedures so that he is kept informed of United States activities in the country. He will report promptly to the President as to any matter which he considers to need correction and with respect to which he is not empowered to effect correction.

In order that there be full understanding of the above, it is my desire that the Chief of Mission be made fully aware of his responsibilities and authority with respect to United States activities, in the country to which he is assigned, under today's order and this memorandum. Not only should instructions be issued to the United States Missions; provision should also be made for complete instruction in these matters before a new Chief of Mission assumes his duties at his post. It is the responsibility of each agency concerned to participate in the indoctrination of each Chief of Mission and take steps within the agency to instruct its personnel as to the authority of the Chief of Mission and as to the necessity of keeping him fully informed concerning current and prospective program and administrative activities.

Steps should also be taken to provide the Chief of Mission with the necessary staff assistance so he can fully carry out the assigned tasks. The Director of the Bureau of the Budget is requested (1) to take the lead, in consultation with the Department of State and other interested agencies, in developing the most appropriate method of providing the required staff facilities at the country level, and of establishing such arrangements in Washington, as may be necessary to enable each Chief of Mission to carry out effectively his responsibilities as the representative of the President, and (2) to present to the President appropriate recommendations with respect to such facilities and arrangements.

The following prior Presidential documents (related to the subject of this memorandum or of today's Executive order), to the extent not previously rendered obsolete or otherwise inapplicable, are hereby superseded:

1. The June 1, 1953, memorandum regarding the reorganization of the Executive Branch for the conduct of foreign affairs.

2. The memorandum of three heads of departments and the Director for Mutual Security concerning the reorganization of the Special Representative in Europe, which was approved June 16, 1953.

3. The November 6, 1954, letter concerning Executive Order No. 10575, etc.

4. The April 15, 1955, letter to the Secretary of State concerning the establishment of the International Cooperation Administration, etc.

5. The July 24, 1956, memorandum concerning administration of overseas functions.

6. The November 19, 1959, memorandum concerning reports required by sections 111(a) and 111(b) of the Mutual Security Appropriation Act, 1960.

This memorandum shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

[F.R. Doc. 60-10584; Filed, Nov. 9, 1960; 9:28 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 26; Amdt. 4]

PART 565—RELEASE OF AIRPORT PROPERTY FROM RESTRICTIONS OF SURPLUS AIRPORT PROPERTY INSTRUMENTS OF DISPOSAL

This amendment involves a revision of Part 565 for the purpose of making editorial changes in order that the regulations will be consistent with recent changes in the relationship between the Federal Aviation Agency Headquarters in Washington, D.C., and the Agency's field organizations. They do not affect the existing responsibilities of headquarters and field personnel with respect to the functions pertaining to surplus airport property instruments of disposal. Section 565.5 *Delegations of authority* has been eliminated since such delegations have been provided for elsewhere. It is a further purpose of this amendment to eliminate §565.7 *Hearings* since it has been found that hearings have not been necessary and none have been held in connection with requests for release of property from instruments of disposal.

Since this amendment involves revisions which are minor in nature and make changes which impose no additional burdens on any person, notice and public procedure are unnecessary and this amendment may be made effective on less than 30 days notice.

Acting pursuant to authority vested in the Administrator of the Federal Aviation Agency by section 305 of the Federal Aviation Act of 1958 (72 Stat. 749) as amended, and the Surplus Property Act of 1944 (58 Stat. 765) as amended, and pursuant to authority delegated to me by the Administrator (25 F.R. 2273), Part 565 of the regulations of the Administrator (14 CFR Part 565) is amended as follows:

1. Paragraphs (c) and (d) of § 565.1 are deleted.

2. Paragraph (e) of § 565.1 is redesignated as paragraph (c).

3. The last paragraph of paragraph (d) of § 565.4 is deleted and a new paragraph substituted therefor, as follows:

(d) * * *

The primary purpose of incorporating such provisions in instruments of disposal was to serve the needs of the military agencies of the United States. Furthermore, the legislative history of Public Law 311 clearly indicates that the Congress intended that in the administration of that statute the interests and needs of the military agencies in properties subject to instruments of disposal be adequately safeguarded. Accordingly, no release from any of the terms, conditions, reservations or restrictions of an instrument of disposal which might be prejudicial to the interests or needs of the military agencies of the United States, will be granted until after consultation with the Department of Defense.

4. Section 565.5 *Delegation of authority* of deleted in its entirety.

5. Section 565.6 *Procedures* is redesignated as § 565.5.

6. The second sentence of paragraph (a) of the new § 565.5 is deleted and a new sentence is substituted therefor, as follows: "All requests shall be submitted in triplicate to the District Airport Engineer of the Federal Aviation Agency in whose district the airport is located and should contain or include at least the following:"

7. Paragraph (b) of the new § 565.5 is deleted and a new paragraph substituted therefor, as follows:

(b) Upon receipt of a request and supporting documents, they will be examined for the purpose of determining whether the requested release meets the requirements of Public Law 311, insofar as concerns the interests of the United States in civil aviation, and whether it might be prejudicial to the interests of the military agencies of the United States. If the requested release might prejudice the interests of the military agencies of the United States, the Department of Defense will be consulted in regard thereto as provided in § 565.4(e), through appropriate channels.

8. Paragraph (c) of the new § 565.5 is deleted and a new paragraph substituted therefor, as follows:

(c) (1) Upon completion of the review of the request and other appropriate documents and information, and upon receipt of advice from the Department of Defense, where the case was referred to that Department, the airport owner will be advised whether the release requested, or a modification thereof, may be granted. If the advice is that the release may be granted, such instrument or instruments as may be necessary to effectuate such release, will be executed and delivered to the airport owner.

(2) If the advice is that the requested release may not be granted but that a modification thereof may be granted, the airport owner will be so advised. Upon receipt of advice from the airport owner that such a modified release will be acceptable to the airport owner, such instrument or instruments as are necessary to effectuate such a modified release will be executed and forwarded to the airport owner.

9. Section 565.7 *Hearings* is deleted in its entirety.

This amendment shall be effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 3, 63 Stat. 700, as amended; 50 U.S.C. App. 1622(b))

Issued in Washington, D.C., on November 2, 1960.

JOSEPH D. BLATT,
Acting Director,
Bureau of Facilities and Materiel.

[F.R. Doc. 60-10514; Filed, Nov. 9, 1960; 8:48 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-199]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On August 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8035) stating that the Federal Aviation Agency proposed to modify VOR/VORTAC jet route No. 77 between Bangor, Maine, and the United States-Canadian Border.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. [illegible]) and for the reasons stated in the notice, the following action is taken:

In the text of § 602.577 (14 CFR [illegible]-577, 25 F.R. 4596) "INT of the Bangor VOR 060° radial with the United States-Canadian Border." is deleted and "[illegible] of the Bangor VOR 058° True radial with the United States-Canadian Border." is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 12, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 3, 1960.

D. D. THOMAS
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-10494; Filed, Nov. 9, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7544 o.]

PART 13—PROHIBITED TRADE PRACTICES

Barnard Hosiery Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Barnard Hosiery Co., Inc., et al., New York, N.Y., Docket 7544, September 22, 1960]

In the Matter of Barnard Hosiery Co., Inc., a Corporation, and Nathan Natelson and Robert Sharp, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers with violating the Wool Products Labeling Act by labeling as "Wool 35 percent, Cotton 65 percent, 100 percent wool cushion sole", men's hosiery which contained no wool except for the soles and in which the percentage by weight of wool was substantially less than 35 percent; and by labeling other men's hosiery as "100 percent Wool Sole Cushioning—Top, body all cotton", when the wool content of the soles was substantially less than 100 percent.

Denying respondents' appeal, the Commission modified the initial decision and as thus modified on September 22 adopted it.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That respondents, Barnard Hosiery Co., Inc., a corporation, and its officers, and Nathan Natelson and Robert Sharp, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of hosiery composed in whole or in part of wool or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939; provided, however, that the over-all content of the wool products need not be given if such products are labeled in accordance with Rule 23 of the Rules and Regulations promulgated under said Act.

3. Misbranding wool products by failing to set forth on stamps, tags, labels or other means of identification attached to such products the information required under section 4(a)(2)(A) of the Wool Products Labeling Act with respect to each specifically designated section of a wool product composed of two or more sections where such sections are of a different fiber composition and are recognizably distinct.

4. Falsely or deceptively designating the character or amount of the fibers contained in any section of a wool product composed of two or more sections which are recognizably distinct in violation of Rule 23 of the rules and regulations promulgated pursuant to the Wool Products Labeling Act of 1939.

It is further ordered, That the charges contained in paragraph ten of the complaint be, and the same hereby are, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents named in the preamble of the order to cease and desist shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 22, 1960.

By the Commission, Commissioner Tait not participating.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-10503; Filed, Nov. 9, 1960; 8:46 a.m.]

[Docket 6671 o.]

PART 13—PROHIBITED TRADE PRACTICES

Lafayette Brass Manufacturing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–190 *Manufacturing nature;* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.* Subpart—Using misleading name—Vendor: § 13.2420 *Manufacturing nature;* § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Lafayette Brass Manufacturing Company, Inc., et al., New York, N.Y., Docket 6671, September 27, 1960]

In the Matter of The Lafayette Brass Manufacturing Company, Inc., a Corporation, The Durst Manufacturing Company, Inc., a Corporation, Marshall Metal Products, Inc., a Corporation, and Pauline D. Kohn, Norman Redlich and David Durst, Individually and as Officers of Said Corporations

Order requiring two associated corporations and their common officer-owners to cease using the word "Manufacturing" as part of their corporate or trade names unless it is clearly disclosed in immediate connection and conjunction with each such name that such corporation is primarily a distributor and assembler of the products it sells.

Charges of failure to reveal foreign origin of products, representing them to be of domestic origin, and misrepresenting the extent to which their lawn sprinklers could withstand water pressure were settled by consent order dated July 23, 1957 (22 F.R. 6683, August 21, 1957.

The order to cease and desist is as follows:

It is ordered, That respondents, The Lafayette Brass Manufacturing Company, Inc., and The Durst Manufacturing Company, Inc., both corporations, and their officers, and respondents, Pauline D. Kohn and Norman Redlich, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "Manufacturing" as part of the corporate or trade names of corporate respondents unless in immediate connection and conjunction with each such name a clear and conspicuous disclosure is made that such corporation is primarily a distributor and assembler of the products it sells.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent David Durst.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, The Lafayette Brass Manufacturing Company, Inc., The Durst Manufacturing Company, Inc., Pauline D. Kohn and Norman Redlich, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: September 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-10504; Filed, Nov. 9, 1960; 8:47 a.m.]

[Docket 7788]

PART 13—PROHIBITED TRADE PRACTICES

Waterman Pharmacy et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Donald C. Sussman trading as Waterman Pharmacy, etc., Detroit, Mich., Docket 7788, August 23, 1960]

In the Matter of Donald C. Sussman, an Individual Trading as Waterman Pharmacy and as Waterman Drug Company

Order modifying earlier consent order dated May 25, 1960 (25 F.R. 6133, June 30, 1960), prohibiting false advertising of a drug designated "Cel-Ate Tablets", by rephrasing as below indicated:

It is further ordered, That the order to cease and desist heretofore entered herein be, and it hereby is, modified by

striking the phrase "or have any beneficial effect on ulcers in excess of affording temporary relief from the discomforts of some peptic ulcers" from Subparagraph 1 of said order and by substituting therefor the phrase "or have any beneficial effect on ulcers beyond that of an antacid temporarily relieving excess gastric acidity, which may temporarily lessen or relieve the pain in certain cases of peptic ulcers," and that as so modified said Subparagraph shall now read as follows:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that Cel-Ate Tablets are an adequate, effective or reliable treatment for the cure of or will afford complete relief from ulcers, or have a therapeutic effect on the symptoms or manifestations thereof, or have any beneficial effect on ulcers beyond that of an antacid temporarily relieving excess gastric acidity, which may temporarily lessen or relieve the pain in certain cases of peptic ulcers.

By "Order Reopening Case and Modifying Order To Cease and Desist", report of compliance with the modified order was required as follows:

It is further ordered, That the respondent, Donald C. Sussman, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the aforesaid order as modified hereby.

Issued: August 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-10505; Filed, Nov. 9, 1960; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Success Reservoir Area, Tule River, California

The Secretary of the Army having determined that the use of Success Reservoir Area, Tule River, California, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266), adding this reservoir area to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

California

* * * * *

Success Reservoir Area, Tule River

* * * * *

Effective date. This amendment shall become effective upon its publication in the FEDERAL REGISTER.

[Regs., October 18, 1960, ENGCW-O] (Sec. 209, 68 Stat. 1266; 16 U.S.C. 460d)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-10493; Filed, Nov. 9, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13476; FCC 60-1323]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; Certain Television Broadcast Stations

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Stamford and Waterbury, Conn., Worcester, Mass., Berlin, N.H., Hanover and Lebanon, N.H., Malone, N.Y., and White River Junction, Vt.); Docket No. 13476.

1. The Commission has under consideration its Notice of Proposed Rule Making (FCC 60-420), released on April 22, 1960; the comments and reply comments filed by: (1) Springfield Television Broadcasting Corporation (Springfield), operator of television Stations WRLP, WWLP and WWOR at Greenfield, Springfield, and Worcester, Massachusetts, respectively, and Television Translator Station W74AE, Lebanon-Hanover, New Hampshire-White River Junction, Vermont; (2) WATR, Inc., (WATR), which operates television Station WATR-TV, Waterbury, Connecticut; and (3) other interested parties.

2. The Notice invited comments on a proposal to substitute Channel 20 for Channel 53 at Waterbury, Connecticut; to add Channel 26 to Hanover, New Hampshire; and other related channel changes. The Notice indicated that the channel shifts would entail modifications of the outstanding authorizations of the following licensee and permittees:

(1) WATR, Inc., to specify operation on Channel 20 instead of Channel 53.

(2) The Connecticut State Board of Education, directing it to specify a new site for the transmitter of WEDH Channel 24 Hartford, at least 20 miles from the site specified by WATR in its pleadings.

(3) Stamford-Norwalk Television Corporation, to specify operation of television Station WSTF on Channel 55 in lieu of Channel 27.[1]

3. The proposed changes in the Table of Assignments are as follows:

City	Channel No.	
	Present	Proposed
Stamford-Norwalk, Conn.	27	55
Waterbury, Conn.	53	20
Worcester, Mass.	14, 20	14, 27+
Berlin, N.H.	26	52
Hanover, N.H.	*27+	*20+, 26
Malone, N.Y.	20+, *66	47, *66

Since the proposed channel shifts require modification of the outstanding authorizations for WATR-TV and WEDH, the Commission observed in its Notice of April 22, 1960, that it would take whatever further steps were necessary to effect the required modifications of these authorizations should it appear, after a review of the pleadings filed in the instant proceeding, that the amendments suggested by the parties were in the public interest.

4. Comments were filed by Springfield Television Broadcasting Corporation; WATR, Inc.; the Trustees of Dartmouth College; the Connecticut State Board of Education. Reply comments were filed by WATR, Inc. All the comments supported the proposed changes, except those of the Connecticut State Board of Education.

5. Springfield urges that there is a need for local television station and economic support for such a station in the Lebanon-Hanover area; that there is a great deal of interest in such a local television facility; and that it will apply for a station on Channel 26 in the event the proposal is adopted. WATR urges that the substitution of Channel 20 for Channel 53 at Waterbury will permit Station WATR-TV to provide a better technical service to the important population center of Waterbury and thus better enable it to more effectively compete with the other television stations in the area; that the proposal conforms to all the rules of the Commission; that there will result no adverse effect on the public and other parties; and that adoption of the amendments, generally, would serve the public interest.

6. WATR also requests that it be ordered to show cause why its outstanding authorization for WATR-TV should not be modified so as to specify operation on Channel 20 at a site specified as 41°30'08" north latitude and 72°59'47" west longitude; and that the Connecticut State Board of Education be ordered to show cause why its authorization for Station WEDH should not be modified to specify a site at least 20 miles from the proposed site of WATR-TV.

[1] On April 27, 1960, the outstanding authorization of Stamford-Norwalk Television Corporation for television Station WSTF was cancelled and the assigned call letters deleted. This eliminates the necessity of initiating modification proceedings with respect to this permittee. There remains for decision, of course, the desirability of the issuance of orders to show cause to the Connecticut State Board of Education.

7. The Connecticut State Board of Education (the Board) opposes WATR's request on the ground that it would require it to move its site from the present location near Meriden, Connecticut. The present site is only 9 miles from the proposed Waterbury site. Since Channel 20 is only four channels removed from Channel 24, on which the Board is authorized to construct its station,[2] a minimum separation of 20 miles is required. See § 3.698, Table IV, of the rules. The Board states that it prefers its present site; since it would permit it to take advantage of terrain factors and, thereby, provide service to as much rural and urban area as possible. The Board suggests that the 20 mile "taboo" rule be waived in this case. It states: "It seems reasonable to expect, however, that no objectionable interference would result if WEDH and WATR–TV would operate four channels apart from transmitter sites which are separated by approximately nine miles." The Board further urges that the 20 mile "taboo" was adopted in the Sixth Report and Order; that the six channel separation was adopted to furnish a safety factor; and that a three or four channel separation would be adequate. Experiments with UHF translators are cited to support the contention that there would be no interference involved in the proposed operation.

8. WATR supports the proposal of the Board for a waiver of the 20 mile separation rule. It urges that interference is not likely to occur, due to the location of the respective antennas; the directivity and prospective orientation of receiving antennas; and the results of tests which it has performed on the operations of WHCT at Hartford and WWLP at Springfield, stations which are four channels removed.

9. Upon a careful study of all of the contentions of the parties and the material submitted by them, we are of the view that the proposed channel changes would be in the public interest. They would provide a first channel for commercial use in the Hanover-Lebanon area and permit the establishment of a local television station. At the same time, the licensee of WATR–TV would be afforded the opportunity to compete more effectively with the other stations in the area and thus provide the public with a better technical and program service. The proposal will require WATR–TV to shift to Channel 20. WATR has consented to this change; and its authorization will be modified accordingly by appropriate Commission action, in the event the Commission determines that it would be in the public interest to modify the outstanding authorization of the Connecticut State Board of Education.

10. The only impediment to effectuation of the proposal is the opposition of the Board to the suggested change in the location of its site to one at least 20 miles from the site proposed for WATR. We have carefully examined the arguments of the Board and WATR with regard to the 20 mile "taboo" rule; and we have considered their request for a waiver of this rule.

11. This rule was adopted to avoid intermodulation interference. See Sixth Report and Order, Paragraphs 175 through 179. The measurements on WHCT and WWLP referred to by WATR and the alternate channel operation of translators mentioned by the Board only indicate that there was no interference under those specific conditions. As explained in the Sixth Report, interference resulting from intermodulation varies with the particular distribution of frequencies in the area.

12. Thus, in the absence of data which would show that the intermodulation "taboo" should or can be safely waived, we are of the view that the requested waiver should not be granted; rather that the Board should be ordered to show cause why it should not be required to specify a site meeting the requirements of our rules in relation to the proposal herein made.

13. For the foregoing reasons, it is the judgment of the Commission that the amendment of the Table of Assignments for the television broadcast stations as proposed would be in the public interest. However, the Connecticut State Board of Education has an outstanding authorization which specifies a site less than 20 miles from that proposed by WATR for a Channel 20 station at Waterbury. Pursuant to the requirements of section 316 of the Communications Act of 1934, as amended, the Commission proposes to issue, simultaneously herewith, an Order to Show Cause to the Connecticut State Board of Education directing it to state why its outstanding authorization should not be modified to specify a site which would permit the adoption of the amendment of the Table of Assignments with respect to Waterbury, Connecticut. The reasons for the issuance of the Order to Show Cause will be set forth in that document. Meanwhile the substitution of Channel 20 for Channel 53 at Waterbury cannot be made effective.

14. At the time the subject petitions were filed there was an outstanding CP for Station WKNY–TV on Channel 21 at Poughkeepsie, New York. The proposed WATR site met the necessary 55 mile adjacent channel separation from the site of WKNY–TV. On March 21, 1960 WKNY–TV turned in its CP and so now the center of Poughkeepsie becomes the reference point for distance computations. In view of the fact that the distance between Poughkeepsie and the proposed site of WATR is less than the required 55 miles it will be necessary for any party using Channel 21 at Poughkeepsie to use a site about 5 miles from the city.

15. In the meantime, the remaining channel changes can be authorized. For the reasons which have been enumerated above, it is believed that their adoption at this time would promote the public interest, convenience and necessity. Therefore, the Commission is adopting the amendments to the rules set out in the Notice of Proposed Rule Making, with the exception of the proposed change in the Table of Assignments with respect to Waterbury, pending a decision in the show cause proceeding involving the Connecticut State Board of Education.

16. The actions herein are taken pursuant to authority found in sections 4 (i) and (j), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

17. In view of the foregoing: *It is ordered,* That effective December 10, 1960, § 3.606 of the rules of the Commission, Table of Assignments, Television Broadcast Stations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Stamford-Norwalk, Conn	55
Worcester, Mass	14, 27+
Berlin, N.H	52
Hanover, N.H	*20+, 26
Malone, N.Y	47, *66

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 2, 1960.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–10523; Filed, Nov. 9, 1960; 8:49 a.m.]

[2] The construction permit for WEDH was granted in January 1953 but thus far no construction has been started.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Thiram

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the establishment of a tolerance of 7 parts per million for residues of thiram (tetramethyl thiuram disulfide) in or on celery.

The analytical method proposed in the petition for determining residues of thiram is that of H. L. Pease, described in "Determination of Dithiocarbamate Fungicide Residues," published in the Journal of the Association of Official Agricultural Chemists, Volume 40, page 1113 (1957).

Dated: November 3, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-10513; Filed, Nov. 9, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13842; FCC 60-1322]

ANNUAL FINANCIAL REPORT (INCLUDING ASSOCIATED DATA) FOR NETWORKS AND LICENSEES OF BROADCAST STATIONS

Notice of Proposed Rule Making

1. It is proposed to amend F.C.C. Form 324 in the manner indicated by the proposed revision attached as an appendix [1] to this notice. The principal changes proposed to be effected include addition of Schedules 1, 2, 4, 6, and 8, and revision of the information contained in Schedules 3, 5, and 7. These changes are designed to give the Commission more detailed and current information on the overall financial status of stations and fuller information on station financial and operating practices.

2. Annual Financial Report, Form 324, is prescribed in § 1.341 of the Commission's rules and regulations. Authority for the issuance of the proposed amendment is contained in sections 4(i), 303(r) and 308(b) of the Communications Act of 1934, as amended.

3. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before December 9, 1960, and reply comments on or before December 23, 1960. The Commission will consider all comments filed hereunder prior to taking final action in this matter, provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to comments filed in this proceeding.

4. In accordance with the provisions of § 1.54 of the rules, and original and 14 copies of all written comments shall be furnished the Commission.

Adopted: November 2, 1960.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10522; Filed, Nov. 9, 1960; 8:49 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3–0]

CORNSTARCH FROM FRANCE

Purchase Price

NOVEMBER 4, 1960

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of cornstarch imported from France is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of cornstarch from France pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 60–10517; Filed, Nov. 9, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice No. 32]

ALASKA

Notice of Filing of Alaska Protraction Diagram

NOVEMBER 4, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4) (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

Approved September 19, 1960

SEWARD MERIDIAN

S 23–1, Ts. 17 to 20 S., Rs. 18 to 20 W.
S 23–2, Ts. 18 to 20 S., Rs. 21 to 22 W.
S 23–3, Ts. 17 to 20 S., Rs. 25 to 28 W.
S 23–4, Ts. 17 to 20 S., Rs. 29 to 32 W.
S 23–5, Ts. 21 to 25 S., Rs. 29 to 32 W.
S 23–6, Ts. 23 to 24 S., R. 25 W.
S 23–7, Ts. 21 to 24 S., Rs. 21 to 24 W.
S 23–8, Ts. 21 to 24 S., Rs. 17 to 20 W.
S 23–9, Ts. 21 to 23 S., Rs. 15 to 16 W.
S 23–10, Ts. 25 to 28 S., Rs. 18 to 20 W.
S 23–11, Ts. 25 to 28 S., Rs. 21 to 24 W.
S 23–12, Ts. 25 to 28 S., Rs. 25 to 29 W.
S 23–13, Ts. 30 to 32 S., Rs. 33 to 34 W.
S 23–14, Ts. 29 to 32 S., Rs. 29 to 32 W.
S 23–15, Ts. 29 to 32 S., Rs. 25 to 28 W.
S 23–16, Ts. 29 to 32 S., Rs. 21 to 24 W.
S 23–17, Ts. 29 to 32 S., Rs. 18 to 20 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager,
Anchorage Land District.

[F.R. Doc. 60–10506; Filed, Nov. 9, 1960; 8:47 a.m.]

[Notice No. 33]

ALASKA

Notice of Filing of Alaska Protraction Diagram

NOVEMBER 4, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

Approved September 16, 1960

SEWARD MERIDIAN

S 24–1, Ts. 33 to 35 S., Rs. 21 to 24 W.
S 24–2, Ts. 33 to 36 S., Rs. 25 to 28 W.
S 24–3, Ts. 33 to 36 S., Rs. 29 to 32 W.
S 24–4, Ts. 33 to 36 S., Rs. 33 to 35 W.
S 24–5, Ts. 37 to 40 S., Rs. 29 to 32 W.
S 24–6, Ts. 37 to 38 S., Rs. 25 to 28 W.
S 24–7, Ts. 41 to 42 S., Rs. 29 to 32 W.
S 24–8, Ts. 41 to 43 S., Rs. 33 to 35 W.
S 24–9, Ts. 49 to 51 S., Rs. 41 to 42 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager,
Anchorage Land District.

[F.R. Doc. 60–10507; Filed, Nov. 9, 1960; 8:47 a.m.]

[Serial No. Idaho 010828]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

NOVEMBER 3, 1960.

In Federal Register Document 59–8893, Page 8555 of the issue for October 22, 1959, a Notice of Proposed Withdrawal for a stock driveway appeared. This notice is amended to include the following additional lands:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 15 E.,
Sec. 9; SE¼NE¼, E½SE¼;
Sec. 21; E½E½;
Sec. 28; E½E½;
Sec. 33; E½E½.
T. 12 S., R. 15 E.,
Sec. 4; Lot 1, SE¼NE¼, E½SE¼;
Sec. 9; E½E½;
Sec. 21; SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼.
T. 13 S., R. 15 E.,
Sec. 3; Lot 4, SW¼NW¼, W½SW¼;
Sec. 10; S½NW¼, E½SW¼;
Sec. 15; W½NE¼, NE¼NW¼, E½SE¼, NW¼SE¼;
Sec. 23; SW¼NW¼.
T. 12 S., R. 16 E.,
Sec. 1; Lots 1, 2, 3, 4;
Sec. 2; Lots 1, 2, 3.
T. 16 S., R. 16 E.,
Sec. 24; E½SE¼;
Sec. 25; E½E½.
T. 12 S., R. 17 E.,
Sec. 4; Lots 1, 2, 3, 4;
Sec. 5; Lots 1, 2, 3, 4;
Sec. 6; Lots 1, 2, 3, 4.

The areas described aggregate 2,659.95 acres.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 60–10509; Filed, Nov. 9, 1960; 8:47 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 4, 1960.

The Coast and Geodetic Survey has filed an application, Serial Number Nevada–055943 for the withdrawal of the lands described below from all forms of appropriation. The applicant desires the land for establishment of a sensitive seismograph station.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 N., R. 53 E.,
Sec. 26, Lot 7, NE¼SE¼.

The area as described contains 69.75 acres.

MAX W. BRIDGE,
Acting State Supervisor.

[F.R. Doc. 60-10510; Filed, Nov. 9, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (25 F.R. 10483) for October and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co	3A	(*)	(*)	(*)			
Do	3FF	(*)	(*)	(*)		(*)	
Do	3N	(*)	(*)	(*)		(*)	
Do	3UU	(*)	(*)	(*)		(*)	
John Morrell and Co	17	(*)				(*)	
Brander Meat Co	25	(*)	(*)				
Nevada Meat Packing Co	52	(*)	(*)	(*)	(*)	(*)	
Somerville Packing Co	66					(*)	
Minchs Wholesale Meats, Inc	72	(*)	(*)	(*)		(*)	
John Engelhorn and Sons	97					(*)	
Armour and Co	100	(*)	(*)	(*)			
West Coast Meat Co., Inc	117	(*)	(*)	(*)			
Armour and Co	139	(*)	(*)	(*)			
Do	177	(*)	(*)				
Seattle Packing Co	191	(*)		(*)		(*)	
Hygrade Food Products Corp	224	(*)				(*)	
Walti Schilling and Co., Inc	235	(*)		(*)			
Trenton Dressed Beef Co	236	(*)	(*)	(*)			
P. D. and J. Meats	240	(*)	(*)				
Swift and Co	249	(*)				(*)	
Pacific Meat Co., Inc	267	(*)	(*)				
Solano Meat Co	285	(*)	(*)	(*)			
Western Packing Co	288	(*)					
San Jose Meat Co	291	(*)					
Turlock Meat Co	325	(*)	(*)				
Peters Packing Co., Inc	341	(*)	(*)			(*)	
Marks Meat Co	362	(*)					
James Allan and Sons	365	(*)		(*)		(*)	
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)	(*)				
Los Banos Abattoir	400	(*)	(*)				
Alpine Packing Co	412	(*)	(*)	(*)	(*)	(*)	
Del Curto Meat Co	445	(*)	(*)	(*)		(*)	
Swift and Co	459					(*)	
Morris Rifkin and Sons, Inc	460	(*)					
Memphis Butchers Association, Inc	488	(*)	(*)	(*)	(*)	(*)	
Swift and Co	505	(*)					
D. and W. Packing Co	560	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
City Packing Co	625	(*)	(*)	(*)			
Auburn Packing Co., Inc	636	(*)					
The William Schluderberg T. J. Kurdle Co.	649	(*)	(*)	(*)		(*)	
Baums Balogna, Inc	657	(*)					
Cascade Meats, Inc	681	(*)					
Schaake Packing Co., Inc	761	(*)					
Home Packing Co	823	(*)	(*)			(*)	
Hibbs Packing Co	825	(*)					
Berchems Meat Co	830	(*)					
Christensen Meat Co	865	(*)	(*)				
Long Creek Meat Co	870	(*)					
Midwestern Packing Co., Inc	878	(*)	(*)				
Peoples Packing Co	925	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	940	(*)	(*)			(*)	
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
Valley Meat Co	1009	(*)	(*)	(*)			
H. and H. Packing Co	1315	(*)	(*)				
MCDE Packing and Processing Co., Inc	1353		(*)			(*)	

Done at Washington, D.C., this 7th day of November 1960.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-10536; Filed, Nov. 9, 1960; 8:51 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

November 1960 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities (except oats) currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (milled), wheat, corn, barley, rye, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for November 1960 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Inter-

ested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, Sections 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule Section 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use; announced prices, under LD–29 as amended: 66.5 cents per pound New York, Pa., N.J., New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.75 cents per pound Washington, Oregon and California. All other States 65.5 cents per pound. Export: Competitive bid under LD–33 pursuant to invitations to bid issued by Cincinnati CSS Commodity Office (may be applied to arrangements for barter and approved credit sales).
Nonfat dry milk	Domestic, unrestricted use; announced prices, under LD–29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD–33 pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices. Announced prices under LD–35: When sales are made under LD–33 above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Sales under both announcements may be applied to arrangements for barter and approved credit sales.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN–A (revised) (sales by local sales agencies of 1960—crop Choice (A) cotton for unrestricted use), and Announcement NO–C–14 (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO–C–15 (sale of 1960 crop Choice (A) cotton for unrestricted use). Under CN–A (revised) cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO–C–14, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable Choice (B) support price plus carrying charges. Under NO–C–15, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO–C–6 (revised) and NO–C–10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton (except cotton offered under CN–A, revised) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN–A, revised may be obtained from local sales agencies.
Wheat, bulk	Domestic, unrestricted use; commercial wheat-producing area: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 18 cents per bushel if received by truck or (2) 15 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW ..... $2.23 Minneapolis, No. 1 DNS ..... 2.30 Kansas City, No. 1 HW ..... 2.23 Portland, No. 1 SW ..... 2.14 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate.

Commodity	Sales price or method of sale
Wheat, bulk—Continued	Export: (1) As wheat under Announcement GR-261 revised, as amended, or as flour under Announcement GR-262 revised, as amended, for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily (2) under Announcement GR-212 revised, amended, for specific offerings as announced and (3) under Announcement GR-345 for redemption of certificates under payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus (1) a markup of 10 cents per bushel for corn in storage at point of production or (2) a markup of 13 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minnesota, to Minneapolis, respectively: Chicago ..... $1.35½ Minneapolis ..... 1.19¼ Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites, through ASC County Offices. At other locations through the Commodity Offices indicated below. Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 for feed grain payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate, plus (1) a markup of 10 cents per bushel for oats in storage at point of production and (2) a markup of 12 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats ..... $0.70¼ Minneapolis, No. 3 oats ..... .61¼ Export: Under Announcement GR-212, revised, amended, for application to approved emergency sales and under Announcement GR-368 for feed grain payment-in-kind program (certificate redemption purposes only). Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than 1960 applicable loan rate plus (1) 12 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better ..... $1.10 Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for feed grain payment-in-kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis No. 2 or better (or No. 3 on TW only) ..... $1.23 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 for feed grain payment-in-kind program. Available Minneapolis, Evanston, Dallas, Portland, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 25 cents per hundredweight if received by truck or (2) 19 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better ..... $2.06 Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for feed grain payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 21 cents per hundredweight, basis in store. Export: Under GR-379 for application to arrangements for barter and approved credit sales. Available Dallas CSS Commodity Office.
Rice, broken (as available)	Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses. Prices and quantities of milled rice including brokens available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, plus 22 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Rice Export Program Payment-in-Kind, and under GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Soybeans, bulk (as available)	Domestic or export: Market price basis in store but not less than the 1960 applicable county loan rate for No. 2 grade, basis point of storage plus 5 percent, plus 8.3 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Peanuts, shelled (as available) all types.	Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3, but not less than the following or market prices: *No. 1's* — *Cents per pound* Virginias ..... 20.05 S.E. Spanish ..... 19.91 S.W. Spanish ..... 20.19 S.E. Runners 19.53
Peanuts, shelled and unshelled (farmers stock) (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised) as amended.
Tung oil	Export: Competitive bid on limited quantities under Announcement DL-OP-10 by Dallas CSS Commodity Office.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Offer and acceptance basis in the stated quantities and in the designated storage tanks and subject to the prices, terms and conditions of Announcement TB-21-60 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Georgia. Export: Competitive bid for turpentine, bulk in storage tanks, subject to Announcement TB-21-60 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, CSS, U.S. Department of Agriculture.

[1] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: November 7, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-10537; Filed, Nov. 9, 1960; 8:51 a.m.]

Approved For Release 2004/03/11 : CIA-RDP80M00165A002100140007-0

DEPARTMENT OF COMMERCE

Maritime Administration

EXCHANGE OF WAR-BUILT SHIPS

Notice of Administrator's Order

Notice is hereby given that the Maritime Administrator has issued the following order assigning the functions of the various offices with respect to exchange of war-built vessels:

[Administrator's Order No. 197]

EXCHANGE OF WAR-BUILT SHIPS POLICIES, RESPONSIBILITIES, AND PROCEDURES

SECTION 1. *Offices affected.*
Office of Property and Supply.
Office of the General Counsel.
Ship Valuation Committee.
Office of Ship Operations.
Office of Ship Construction.
Office of the Comptroller.
Office of Investigations and Security.
Office of Government Aid.

SEC. 2. *Purpose and objectives.*

2.01 The purpose of this order is to establish responsibilities and to prescribe the procedures to be followed with respect to the exchange of war-built ships pursuant to Public Law No. 86–575 (amending Section 510 of the Merchant Marine Act of 1936, as amended). The exchange of ships under the Act shall be encouraged in order to upgrade the tramp and domestic merchant fleets, and in order that our national defense may be thereby served.

SEC. 3. *Contents.*

3.01 The provisions of this order are grouped under the following sections:

1. Offices affected.
2. Purpose and objectives.
3. Contents.
4. Definition of terms.
5. General provisions.
6. Responsibilities and procedures.

SEC. 4. *Definition of terms.*

The terms used in this order are defined as follows:

4.01 "War-Built Ship"—Means an oceangoing ship of 1500 gross tons or over which was constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945.

4.02 "Exchange Ship"—Means a trade-in ship as referred to in Public Law 86–575, and is a war-built ship owned and operated without subsidy under Title VI of the Merchant Marine Act of 1936, as amended, by a citizen or citizens of the United States and documented under the laws of the United States for at least three years immediately prior to the date of exchange and offered in exchange for a transfer ship.

4.03 "Transfer Ship"—Means a trade-out ship as referred to in Public Law 86–575, and is a war-built ship owned by the United States, excluding tankers.

4.04 "In class with respect to hull and machinery" and "in class," as referred to in Public Law 86–575, shall for the purpose of this program encompass all work necessary to place a ship in such condition as will entitle it to:

1. The highest classification of the American Bureau of Shipping for the specific type of ship, and

2. Valid Certificates of Inspection for compliance with the regulations of the United States Coast Guard, the United States Public Health Service, and the Federal Communications Commission.

4.05 "Fair and Reasonable Value" of a ship as referred to in Public Law 86–575, shall, for the purposes of this order, be treated as either "adjusted" or "unadjusted" as defined below:

1. The "Unadjusted fair and reasonable value" of a ship means the value of the ship as determined by the Administrator as of the date of the exchange pursuant to section 510(d) of the Merchant Marine Act of 1936, as amended, not including adjustments which may be allowed under section 510(i)(3) of said Act.

2. The "adjusted fair and reasonable value" of a ship means the value of the ship as determined in 1 above as adjusted by the costs and estimated costs as may be determined applicable under section 510(i)(3) of the Merchant Marine Act, 1936, as amended.

4.06 "Administration"—The Department of Commerce as represented by the Maritime Administration.

4.07 "Act"—Public Law No. 86–575, amending section 510 of the Merchant Marine Act, 1936, as amended.

SEC. 5. *General provisions.*

5.01 Authority to exchange ships pursuant to the Act expires as of July 5, 1965.

5.02 The adjusted fair and reasonable value of the transfer ship which is in excess of the adjusted fair and reasonable value of the exchange ship shall be paid in cash.

5.03 At the time of execution of the contract, the applicant shall pay any excess of the estimate of the adjusted fair and reasonable values of the transfer ship over the estimate of the adjusted fair and reasonable value of the exchange ship or ships. Adjustments in such payments shall be based upon determinations by the Administration of the adjusted fair and reasonable values of the ships. Any adjustment in such payment which results from determinations of the adjusted fair and reasonable values of the subject ships shall be made by the parties pursuant to the contract.

5.04 In no event, will the exchange of ships under the Act require any payment of United States funds to the applicant.

5.05 No tankers shall be traded-out under the Act.

5.06 The applicant acquiring a transfer ship shall enter into a contract which shall provide, among other things, that he will be bound by the requirements of the Act with respect to reacquisition, documentation and continuation of contract provisions.

5.07 Neither section 510(e) of the Merchant Marine Act of 1936, as amended, nor the nontaxable exchange provisions of the Internal Revenue Code, shall apply to the exchange of ships under the Act.

5.08 Repairs or reconversion necessary at the time of the exchange to place the transfer ship in class and prepare it for commercial operation shall be performed in a shipyard within the continental United States.

5.09 Any allowance for cost of reconverting and restoring the transfer ship for normal operation in commercial service shall not exceed the cost of reconverting and restoring the ship to its original standard type.

5.10 The applicant, at his own expense and in a manner satisfactory to the Administration, shall:

1. Deactivate and prepare the exchange ship and its equipment for storage or lay up.

2. Deliver such ship to a Reserve Feet and designated equipment to a warehouse as directed by the Administration.

3. Execute a bond, satisfactory in form and amount to the Administration, with one or more approved sureties, conditioned upon indemnifying the United States from all loss resulting from any lien against such ship existing at the time of the exchange, together with any other bonds or insurance deemed necessary by the Administration to protect the interests of the United States.

5.11 The deactivation of the exchange ship, as set forth in section 5.10 of this order, shall, unless otherwise directed by the Administration, be performed in accordance with the provisions of NSA Orders Nos. 64 or 66, and all materials required to be removed from the exchange ship pursuant thereto, other than equipment as designated in 5.102 above, shall remain the property of the applicant. The transfer ship shall be delivered to the applicant at a reserve fleet in the "as-is" condition. Unless otherwise determined by the Administration both the exchange and transfer ships, shall, for the purpose of valuation, be considered as being equally equipped and no allowance shall be made for consumable stores and expendable equipment removed from either of the ships pursuant to the above orders.

5.12 After execution of the contract the applicant may remove the transfer ship from the reserve fleet site to a nearby qualified shipyard approved by the Administration for the purpose of surveying either or both topside and underwater parts of the ship, and in the event the applicant decides not to acquire such ship, return same to the reserve fleet site. In the event that such transfer ship is rejected by the applicant and is returned to the reserve fleet all expense and risk involved in this transaction from the moment the ship leaves the reserve fleet site until it is returned to same are entirely for the account of the applicant. All arrangements necessary hereunder are subject to the prior approval of the Office of Ship Operations.

5.13 The adjusted fair and reasonable values shall be based upon the determination of costs as follows:

1. Costs necessary to place the transfer ship in class shall be actual costs of performing the work, as determined by the Office of Ship Operations, except that once the ship has been surveyed in the shipyard and the cost for in class work agreed upon, the only additional allowances will be for in class items not identified or priced under the approved specifications.

2. Costs of deactivation and preparation of the exchange ship and its equipment for storage or lay up and its

delivery to a reserve fleet, shall be the actual costs of the work performed as directed by the Administration, provided such costs are determined by the Office of Ship Operations not to be unreasonable.

3. Costs of restoration and reconversion work on military type ships shall be estimates developed by the Office of Ship Construction, based upon reconverting and restoring the ship to its original standard type. Such estimate shall constitute the maximum allowance therefor but in no event will such allowance exceed the actual costs.

4. Costs of placing the exchange ship in class shall be estimates developed by the Office of Ship Operations, based upon a physical survey of the ship.

5.14 The costs of deactivation and preparation of the exchange ship and its equipment for storage and lay up and its delivery as directed shall be allowed in determining the adjusted fair and reasonable value of such ship.

5.15 All in class work performed, and all restoration and reconversion work performed on military type ships regardless of whether the ship is restored to its original standard type, shall be done through competitive bids, as required by the Administration.

5.16 Title to the transfer and exchange ships shall pass simultaneously on the date specified in the contract which date shall not be beyond 30 days from the date of the contract.

5.17 The applicant may with the consent of the Administration continue to use the exchange ship until completion of preparation of the transfer ship for normal operation in commercial service under the terms and conditions of a Use Agreement prescribed by the Administration.

SEC. 6. *Responsibilities and procedures.*

6.01 The Office of Property and Supply is responsible for:

1. Administering the provisions of Public Law 86-575 in accordance with the policies and practices of the Administration.

2. Receiving through the Office of the Administrator, all applications for exchange of ships under the Act and serving as the primary point of contact with applicants.

3. Preparing and transmitting to the Administrator reports and recommendations with respect to policies to be followed and actions to be taken under the Act, other than recommendations as to the unadjusted fair and reasonable value of ships. Insofar as such reports and recommendations concern the duties of the other offices noted in section 1, the concurrence or comment of those offices shall be obtained.

4. Obtaining the approval of the Department of the Navy (SECNAV) before any military type ship is transferred out under provisions of the Act.

5. Forwarding to the Ship Valuation Committee the application for exchange for the purpose of determining and recommending to the Administrator the unadjusted fair and reasonable values of the exchange and transfer ships.

6. Simultaneously forwarding copies of applications to each of the other offices specified in section 1 of this order for the discharge of their respective responsibilities.

7. Determining the types and amounts of bonds required for each exchange transaction, with the concurrence of the Office of the Comptroller, as necessary.

8. Upon receipt of the reports of the various offices, which will determine the net amount estimated to be due the Government, preparing a report and recommendation to the Maritime Administrator as to the terms and conditions to be incorporated in a proposed contract with the applicant, including any provisions for a Use Agreement on the exchange ship.

9. Notifying applicants of action taken on their applications by the Maritime Administrator; if approved, such notifications shall include any contract conditions and requirements to which the approval is subject and shall request the applicant to acknowledge and accept all required conditions.

10. Upon receipt of the applicant's acceptance of the conditions of approval, arranging with the General Counsel for the preparation and execution of the contract.

11. Recommending to the Maritime Administrator revisions in the contract, based upon supplemental information as to costs and allowances submitted by the Offices of Ship Operations and Ship Construction.

12. Consummating each transaction either directly or through the responsible offices, and supervising and administering the provisions of the contract.

6.02 The Office of the General Counsel is responsible for:

1. Determining citizenship and other legal questions posed by the application.

2. Preparing all necessary contractual documents, supervising the closing of each exchange transaction, and forwarding executed documents, payments and bonds to the proper persons for recording and safekeeping.

6.03 The Ship Valuation Committee is responsible for:

1. Analyzing all phases of the exchange transaction relating to the unadjusted fair and reasonable values of the ships. The methods of determining unadjusted values shall be consonant, to the extent applicable under the provisions of the Act, with policies governing trade-ins in connection with new construction by the subsidized operators.

2. Recommending to the Maritime Administrator the unadjusted fair and reasonable values of the ships.

6.04 The Office of Ship Operations is responsible for:

1. Reviewing the application for exchange with respect to its feasibility from a national defense and commercial ship operation aspect and for advising and reporting thereon.

2. Providing the Office of Property and Supply with such estimates and advice with respect to the in class deficiencies of an exchange ship as will permit of those costs being incorporated in the recommendation to the Maritime Administrator covering approval of the application.

3. With respect to the transfer ship, making an estimate of the costs required to place the ship in class, and reporting thereon to the Office of Property and Supply, preparatory to the acceptance or rejection of the application.

4. Advising applicants of the ships in the Reserve Fleets considered available for transfer, their principal characteristics, their locations, and the persons to be contacted concerning inspections thereof.

5. With respect to a transfer ship, determining whether such ship is of a military type and reporting such determination to the Office of Property and Supply and the Office of Ship Construction.

6. Determining the manner of ship deactivation and place of lay up, and reporting to the Office of Property and Supply on the estimated cost to the owner of deactivation and preparation of the exchange ship and its equipment for storage or lay up and for delivery of such ship and its equipment at a designated location.

7. Advising the Office of Property and Supply as to the provisions of any required Use Agreement on the exchange ship to be incorporated in the contract arrangements with the applicant; entering into and supervising the provisions of any such Use Agreement.

8. Approving all arrangements necessary to effect the move from and return to the reserve fleet site, in cases where the applicant is authorized to remove a transfer ship from the reserve fleet for survey.

9. Determining that the exchange ship and its designated equipment are deactivated and delivered to the Administration in accordance with the provisions of the contract; determining and verifying the actual cost to the applicant of carrying out the deactivation and lay-up work; and reporting such costs to the Office of Property and Supply for use in revising the contract with respect to the adjusted fair and reasonable value of the exchange ship.

10. Surveying the exchange ship at the time of actual delivery to the Administration, for the purpose of determining the allowances for items determined not to be in class, and reporting such to the Office of Property and Supply for use in revising the contract with respect to the adjusted fair and reasonable value of the exchange ship.

11. Following the execution of a contract, participating with the applicant in determining the items of in class work to be performed on a transfer ship, such determination to be subject to modification only in the event that additional items of in class work not included in the original determinations are required to place the ship in class; approving the costs of such work as determined through competitive bidding, as required by the Administration; reporting such costs to the Office of Property and Supply for use in connection with the responsibilities of that office under 6.0111 above.

12. Determining that all class work to a transfer ship is performed in a shipyard within the continental United States and in accordance with the statutory and contract requirements.

6.05 The Office of Ship Construction is responsible for:

1. With respect to a military type ship, analyzing applicants' plans and designs for reconverting and restoring, as to their technical feasibility from a ship construction standpoint.

2. Recommending to the Office of Property and Supply what estimated costs should be considered in connection with the reconverting and restoring of a military type ship to its original standard type.

3. Determining that all restoration and reconversion work to a transfer ship of a military type is performed in a shipyard within the continental United States and in accordance with the statutory and contract requirements.

6.06 The Office of the Comptroller is responsible for:

1. Reviewing the financial information submitted with the application for exchange, with reference to other financial transactions of the applicant with the Administration, and reporting the findings and comments to the Office of Property and Supply.

2. Collecting and recording all amounts connected with each application and exchange, including any charter hire under the Agreements on exchange ships.

6.07 The Office of Investigations and Security is responsible for reporting to the Office of Property and Supply upon any security aspects of the application or the exchange transaction.

6.08 The Office of Government Aid is responsible for reviewing applications for exchange and for advising the Office of Property and Supply of any matters under the cognizance of the Office of Government Aid which would affect the proposed exchange transaction, together with suggestions or recommendations as to the action to be taken.

By order of the Maritime Administrator.

Dated: November 3, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60-10512; Filed, Nov. 9, 1960; 8:48 a.m.]

Office of the Secretary

ROBERT DE S. COUCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of October 20, 1960.

ROBERT DE S. COUCH.

[F.R. Doc. 60-10516; Filed, Nov. 9, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

Surplus Property Utilization Program

Section 2-249.30(e)(2) of Part 2 of the Statement of Organization and Delegation of Authority is hereby amended to read as follows:

(2) To authorize destruction or abandonment of property in the custody of State agencies after a determination in writing that the property has no commercial value or that the cost of care and handling would exceed the estimated proceeds from its sale, except that where the acquisition cost of the property was more than $1,000 (estimated if not known), the determination must be approved by a reviewing officer before authorization to destroy or abandon is given to the State agency. The Regional Director, or his designee, will serve as the reviewing officer.

Dated: November 4, 1960.

[SEAL] BERTHA S. ADKINS,
Acting Secretary.

[F.R. Doc. 60-10518; Filed, Nov. 9, 1960; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11842]

AIR-INDIA INTERNATIONAL

Notice of Hearing

In the matter of the application of Air-India International for amendment of its foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 21, 1960, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., November 4, 1960.

[SEAL] FRANIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-10519; Filed, Nov. 9, 1960; 8:49 a.m.]

[Docket 10754]

EASTERN AIR LINES, INC., AND NATIONAL AIRLINES, INC., ENFORCEMENT PROCEEDING

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on November 15, 1960 is hereby postponed to a date to be later assigned.

Dated at Washington, D.C., November 4, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

F.R. Doc. 60-10520; Filed, Nov. 9, 1960; 8:49 a.m.]

[Docket No. 11278, etc.; Order No. E-15997]

NEW YORK-SAN JUAN CARGO RATES INVESTIGATION ET AL.

Order Denying Vacation of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1960.

In the matter of the New York-San Juan Cargo Rates Investigation, Docket 11278 et al.; In the matter of the proposed specific commodity rates of Riddle Airlines, Inc. and Pan American World Airways, Inc., Dockets 11790, 11796, 11797.

On October 3, 1960, Riddle Airlines, Inc. filed a petition to vacate the suspension of its proposed rates which were ordered investigated and suspended by Order E-15851 of September 29, 1960. On October 13, 1960, Transportation Corporation of America d/b/a Trans Caribbean Airways, Inc. and Allied Air Freight International Corporation respectively answered Riddle's petition and requested denial thereof.

Riddle contends that its proposed rates are not new, nor lower than general commodity rates of its competitors which the Board permitted to become effective during 1959 and 1960. The proposals suspended by Order E-15851 would establish specific commodity rates lower than those of other direct carriers in the New York-San Juan market, as noted in Order E-15851. General commodity rates now in effect are in excess of Riddle's proposed specific commodity rates;[1] further, Order E-15851 notes that "The specific commodity groupings to which the tariff reductions apply cover a wide range of commodities and affect a significant portion of total market."

Riddle also contends that Allied is its chief competitor and that it must meet this competition, and attacks the Board for "capricious and arbitrary action" in suspending Riddle's rate reductions. In Order E-15521 dated July 8, 1960, the Board noticed the aspects of a "rate war" then existing; in Order E-15851 such conditions were noted as continuing and were cited as a reason for investigation and suspension therein ordered. Previous reductions in general commodity rates were permitted to become ef-

[1] Riddle, Pan American World Airways, Inc. and Trans-Caribbean all have general commodity rates north- and southbound of 16 cents per pound, minimum weight 100 pounds: respectively, Riddle's C.A.B. No. 7, 15th revised Page 6, effective October 14, 1960; Lounsbury's C.A.B. No. 298, 9th revised Page 62, effective June 26, 1960; Trans-Caribbean's C.A.B. No. 28, 2d revised Page 18-A, effective August 2, 1960.

fective but an investigation thereof was instituted.[2] Thus suspension and investigation of Riddle's proposed reductions is but a sound exercise of Board discretion to maintain the status quo. As was stated in Suspension and Investigation, Air Freight Tariffs: [3]

> Our action in this matter is designed to maintain, during the pendency of our investigations, the situation substantially as it now exists with respect to freight rates. There may result inequities as between the two groups of carriers, as well as between carriers in either group, but we believe these are outweighed by the necessity of maintaining the status quo.

Riddle's factual allegations i.e. "precipitous decline" in its share of the market, and compensating for the reduced rates by eliminating weight breaks and increasing the rate applicable to the remaining 3300 pound weight break southbound, are contested by the answers of Trans Caribbean and Allied, who assert that Riddle's decline is caused by the poor quality of its service and scheduling and who deny that Riddle will be able to recover its revenue loss by eliminating the weight breaks. Since but limited data exist, we believe resolution of these conflicting allegations should be had after notice and hearing, upon presentation and testing of evidence.

Upon consideration of the foregoing, the Board concludes that no matters not previously considered by the Board or matters which would warrant the relief requested by Riddle have been submitted and that therefore the petition for vacation of suspension should be denied.

Accordingly, it is ordered:

That the petition filed by Riddle for vacation of the suspension ordered by Order E–15851 is denied.

That insofar as not granted herein the prayers of Trans Caribbean and Allied are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60–10521; Filed, Nov. 9, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13818; FCC 60M–1893]

ASSOCIATED BROADCASTERS, INC. (WHYS)

Order Following Prehearing Conference

In re application of Associated Broadcasters, Inc. (WHYS), Ocala, Florida, Docket No. 13818, File No. BP–13079, for construction permit.

A prehearing conference in the above-entitled proceeding having been held on November 2, 1960, and it appearing that certain agreements were reached therein which should be formalized and published in an Order;

Accordingly, it is ordered, This 3d day of November 1960, as follows:

(1) The direct case of the applicant shall be presented in written sworn exhibits.

(2) Copies of the proposed exhibits of the applicant shall be supplied to counsel for the other parties herein (and also to the Hearing Examiner) by November 23, 1960.

(3) Counsel for the other parties herein shall notify the applicant's counsel by December 5, 1960, as those witnesses for the applicant who are to be made available for cross-examination at the hearing on December 8, 1960.

(4) The hearing in this matter heretofore scheduled to commence on November 23, 1960, at Washington, D.C., is continued to Thursday, December 8, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: November 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–10524; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket No. 13694 etc.; FCC 60–1283]

EAST ARKANSAS BROADCASTERS, INC. (KWYN) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of East Arkansas Broadcasters, Inc. (KWYN), Wynne, Arkansas, Docket No. 13694, File No. BP–12327; Robert D. Rapp and Martha M. Rapp, Festus, Missouri, Docket No. 13696, File No. BP–12438; Donald M. Donze, Festus, Missouri, et al., Docket No. 13701, File No. BP–13169 etc.; for construction permits.

1. The Commission has for consideration a petition to enlarge issues filed by Donald M. Donze on August 24, 1960, together with pleadings filed in response thereto.

2. Donze seeks an issue as to whether the application of Robert D. and Martha M. Rapp would contravene Section 3.35 of the Commission's Rules. He alleges that the Rapps are the daughter and son-in-law of Cecil and Jane Roberts who individually or jointly own stations in Farmington, Missouri; Columbia, Missouri; Chillicothe, Missouri; Chanute, Kansas; and Cedar Falls, Iowa; that the Roberts' stations have long been operated as a close knit family group; and that it is possible that the Rapps' proposed station would be a part of the family operation. In support of this allegation, Donze contends that members of the family in various combinations have been applicants for stations in the past; that various family owned stations have almost identical statements of policy; that certain members of the family have, in the past, undertaken to act for other members of the family with respect to matters before the FCC in which they had no record interest; that applicant Robert Rapp is the general manager of Roberts' Station KREI, Farmington, Missouri, and continued to function in that capacity even after he and his wife became licensees of Station WINI, Murphysboro, Illinois; [1] and that the facts surrounding the Rapps' acquisition of Station WINI indicate that it was in substantial part a gift from the Roberts. These facts coupled with the overlap of service contours between the Rapps' proposed station and the Roberts' Station KREI, Farmington, Missouri,[2] are sufficient, in Donze's view, to infer that the Roberts will exercise some degree of control over the Rapps' proposed sation and to warrant the designation of the requested issue.

3. We agree that the issues should be enlarged. While the sole fact of family relationship does not *per se* warrant a conclusion of control, West Georgia Broadcasting Co., 14 RR 275 (1957), the circumstances here alleged to surround that relationship are sufficient to raise a question of the possibility of control which can best be resolved through hearing on an evidentiary issue.

Accordingly, it is ordered, That 2d day of November 1960, that the petition to enlarge issues, filed by Donald M. Donze on August 24, 1960, is granted: that the existing issue No. 11 is renumbered Issue No. 12; and the issues in this proceeding are enlarged as follows:

11. To determine in the event it is concluded pursuant to Issue No. 9 that one of the proposals for Festus, Missouri should be favored, whether a grant of the application of Robert D. and Martha M. Rapp would be in contravention of § 3.35 of the Commission's rules.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–10525; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket No. 13601; FCC 60M–1900]

HOPKINSVILLE BROADCASTING CO., INC. (WHOP)

Order Continuing Hearing

In re application of Hopkinsville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky,

[2] See Orders E–15085, April 8, 1960, and E–15521, July 8, 1960.

[3] 8 C.A.B. 621 at 622 (1947).

[1] The Rapps' opposition to the Donze petition indicate that Mr. Rapp's connection with Station KREI was severed effective March 1, 1960.

[2] The pleadings indicate that the 0.5 mv/m contour of the Rapps' proposed station at Festus, Missouri would be completely enveloped by the 0.5 mv/m contour of Station KREI; that Festus now receives a 2.0 mv/m signal from Station KREI; and that 63 percent of the area which would receive a 2.0 mv/m signal from the Rapps' proposed station now receives such signal from Station KREI.

Docket No. 13601, File No. BP-12506, for construction permit.

Upon written request of counsel for Hopkinsville Broadcasting Company, Incorporated (WHOP) and with the concurrence of all other counsel: *It is ordered,* This 4th day of November 1960 that the exchange of the WHOP affirmative engineering case shall be on or before November 28, 1960, and the exchange of the WTCJ rebuttal engineering, if any, shall be on or before December 12, 1960.

It is further ordered, That the hearing presently scheduled for December 2, 1960, be, and the same is hereby rescheduled for December 19, 1960, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10526; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket Nos. 13266-13270; FCC 60M-1895]

MONTANA-IDAHO MICROWAVE, INC.

Order Continuing Hearing

In re applications of Montana-Idaho Microwave, Inc., Bozeman, Montana: for construction permit for new fixed radio station near Pocatello, Idaho, Docket No. 13266, File No. 413-C1-P-60, Call Sign KPJ33; for construction permit for new fixed radio station near Monida Pass, Idaho, Docket No. 13267, File No. 414-C1-P-60, Call Sign KPJ34; for construction permit for new fixed radio station near Armstead, Montana, Docket No. 13268, File No. 415-C1-P-60, Call Sign KPJ35; for construction permit for new fixed radio station near Whitehall, Montana, Docket No. 13269, File No. 416-C1-P-60, Call Sign KPJ36; for construction permit for new fixed radio station near Bozeman Pass, Montana, Docket No. 13270, File No. 417-C1-P-60, Call Sign KPJ37.

The Hearing Examiner having under consideration the joint request filed in the above-entitled proceeding on November 3, 1960, by Montana-Idaho Microwave, Inc., and Television Montana for continuance of the designated procedural dates and date for hearing herein;

It appearing, that all parties have consented to immediate consideration and grant of the said request and good cause for a grant thereof is shown in that there are presently pending before the Commission certain applications for assignment of the licenses of Stations KXLF-TV and KXLJ-TV, action upon which may substantively affect the proceeding herein;

It is ordered, This 3d day of November 1960 that the said joint request is granted and the date for exchange of exhibits constituting the direct cases, the date for exchange of rebuttal exhibits and the date for commencement of hearing herein presently scheduled for November 18, 1960; December 30, 1960; and January 9, 1961, respectively, are continued without date.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10527; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket Nos. 12084-12086; FCC 60-1281]

HERBERT MUSCHEL ET AL.

Memorandum Opinion and Order

In re applications of Herbert Muschel, New York, N.Y., Docket No. 12084, File No. BPH-2184; Richard W. Brahm, d/b as Independent Broadcasting Co., New York, N.Y., Docket No. 12085, File No. BPH-2192; New Broadcasting Company, Inc., New York, N.Y., Docket No. 12086, File No. BPH-2194; for construction permits.

1. The Commission has before it for consideration (a) the Initial Decision of Examiner H. Gifford Irion in this proceeding, 18 RR 8, released October 13, 1958; (b) exceptions and briefs in support thereof, filed December 3, 1958, by Herbert Muschel; Richard W. Brahm, d/b as Independent Broadcasting Co.; New Broadcasting Company, Inc.; and the Broadcast Bureau; (c) reply briefs, filed January 5, 1959, by Muschel and New; and January 6, 1959, by Independent; (d) the oral argument on October 8, 1959, and transcript thereof; and (e) the matters of record in this proceeding.

2. This proceeding involves the mutually exclusive applications of Muschel, Independent, and New for new Class B FM broadcasting stations in New York, New York, on the frequency of 107.5 megacycles (Channel No. 298). Each proposes a somewhat specialized service; Muschel planning primarily an all news station, Independent "to give promotional assistance to independent grocers and other small businesses", and New principally programing for a Negro audience. By Order, 22 FR 4894, published July 11, 1957, the Commission found all three applicants to be legally, financially, technically, and otherwise qualified, and designated the three applications for hearing on a comparative basis. The applications were designated on the following issues:

1. To determine which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

Hearings were begun on September 27, 1957, and the record was closed on June 6, 1958. Examiner H. Gifford Irion's Initial Decision granting the application of New was released October 13, 1958.

3. After complete consideration of the record and material adduced thus far, the Commission is unable to make the required statutory finding that the public interest, convenience, and necessity will be served by a grant of any of the applications. For the reasons hereinafter set forth, the Commission is of the opinion that further exploration of the problem is required.

4. Insofar as Muschel's proposal is concerned, there is no explanation in this record why news should not be equally available on Sunday (no Sunday broadcast schedule is planned), especially in the absence of afternoon papers. It is also to be noted that with a multiplicity of news broadcasts already available to the listening public, Muschel has failed to show a need for an all news station at all. Furthermore, the only reason offered for the proposed restriction of his schedule (10:00 a.m. to 4:00 p.m.) was that the New York audience has ample news broadcasts at other times, but the fact is that the time segment from 8:00 p.m. to 11:00 p.m. has the same or fewer newscasts than the period during which he proposes to operate.

5. With regard to Independent, in the first place, the evidence as to the precise way in which the grocers et al. would be served by the proposed entertainment programing is quite insufficient to explain how this operation would be beneficial to them. In the second place, a broadcast station is not, of course, to be operated primarily for the benefit of its advertisers with an incidental public benefit. Thus, even assuming that the retail merchants and grocers of New York would be helped by the merchandising and programing schemes which were sketched by Independent, there is nothing to show how the public generally would be served at the same time.

6. Considering New, the desirability of an FM program service directed toward New York City's Negro population's tastes and interests has not been shown. This is especially true in view of the fact that the same type of programing which is carried on New's AM outlet (and will be carried on the FM station) is also carried on other New York stations. The question of why an FM outlet is needed is of considerable import.

7. After fully examining the record in this proceeding we are convinced that the parties have failed to adequately set forth what efforts they made to determine the needs of the community in question for the specialized types of programing they intend to offer (See "Report and Statement of Policy Re: Commission En Banc Programming Inquiry", released July 29, 1960, Public Notice No. 91874, FCC 60-970).

Accordingly, it is ordered, This 2d day of November 1960, that the Initial Decision in this proceeding is vacated, and the case is remanded to the Examiner for further hearing. Said hearing

shall be upon the following revised issues:

1. To determine the significant differences and extent thereof between the applicants as to their:

(a) background and experience

(b) proposals with respect to management and operation

(c) proposals with respect to programing service

2. To determine what efforts the applicants took to discover the tastes, needs, and desires of their proposed communities or service areas, for the type of broadcast service proposed

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted

It is further ordered, That the adduction of new evidence be limited to revised Issue 2, supra; and

It is further ordered, That the Examiner, after a hearing pursuant to the foregoing, issue a Cumulative Initial Decision.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10528; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket Nos. 13775, 13776; FCC 60M-1892]

NANSEMOND BROADCASTERS AND D. D. CAMERON

Order Continuing Hearing

In re applications of Ralph D. Epperson & Earlene S. Epperson, d/b as Nansemond Broadcasters, Suffolk, Virginia, Docket No. 13775, File No. BP-12646; D. D. Cameron, Portsmouth, Virginia, Docket No. 13776, File No. BP-13875; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 3d day of November 1960, that the hearing in the above-entitled proceeding now scheduled for November 15, 1960, is continued to a date to be determined at a prehearing conference to be held on November 15, 1960.

Released: November 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10529; Filed, Nov. 9, 1960; 8:50 a.m.]

RADIO CARMICHAEL ET AL.

[Docket Nos. 13649-13653; FCC 60M-1890]

Order Continuing Hearing Conference

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Ashley Robinson and Gordon A. Rogers, d/b as Redwood City Broadcasting Company, Palo Alto, California, Docket No. 13650, File No. BP-12023; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

The Hearing Examiner having under consideration an oral request of this date from counsel for Radio Carmichael, seeking extension of the date for the exchange of preliminary drafts of engineering exhibits from November 7 to November 17, 1960, and continuance of the further prehearing conference from November 21 to December 5, 1960; and

It appearing that counsel for the other parties have informally consented to the immediate consideration and grant of the request and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

Accordingly, it is ordered, This 3d day of November 1960, that the aforesaid request is granted, that the date for the exchange of preliminary drafts of engineering exhibits is extended from November 7 to November 17, 1960, and that the further prehearing conference is continued from November 21 to 2:00 p.m., December 5, 1960.

Released: November 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10530; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket No. 13817; FCC 60M-1903]

VERSAL V. SCHULER

Order Continuing Hearing

In the matter of Versal V. Schuler, c/o Santa Monica Sportfishing, Inc., Santa Monica Pier, Santa Monica, California, Docket No. 13817; order to show cause why there should not be revoked the License for Radio Station WB 4821 aboard the vessel "Bright I."

The Hearing Examiner having under consideration a motion to continue proceedings filed on October 31, 1960, by the Chief, Safety and Special Radio Services Bureau;

It appearing that the hearing is currently scheduled to commence on November 23 but the Safety and Special Radio Services Bureau has received a letter from respondent dated October 14, submitted in response to the Order to Show Cause and that the Bureau requires additional time to make a further investigation; and

It further appearing that under the circumstances here presented a continuance is highly desirable and that the Hearing Examiner should act on the request at once in order that the parties may be relieved of uncertainty;

It is ordered, This 4th day of November 1960, that the motion of the Chief, Safety and Special Radio Services Bureau to continue proceedings is granted and the hearing is continued without date.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10531; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket No. 13746; FCC 60M-1891]

STEPHENS COUNTY BROADCASTING CO. (WNEG)

Order Continuing Hearing

In re application of Stephens County Broadcasting Company (WNEG), Toccoa, Georgia, Docket No. 13764, File No. BP-12827; for construction permit.

The Hearing Examiner having under consideration a pleading filed November 1, 1960, on behalf of Stephens County Broadcasting Company requesting that the date for the exchange of the written affirmative case in this proceeding be continued from November 7, 1960, to November 21, 1960, and the date for the evidentiary hearing be continued from November 21, 1960, to December 1, 1960; and

It appearing that the reason for the requested extension is the fact that though measurements have been completed, more time is required to put the measurements in a suitable form for presentation at the hearing and for the preparation of other written material; and

It further appearing that counsel for the Broadcast Bureau has consented to the continuance, that good cause for granting the pleading having been shown, and the element of time requiring early action;

It is ordered, This the 3d day of November 1960, that the pleading of Stephens County Broadcasting Company for continuance is granted and the date for the exchange of the written affirmative case is continued from November 7, 1960, to November 21, 1960, and the date of the evidentiary hearing is continued from November 21, 1960, to December 1, 1960.

Released: November 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10532; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket Nos. 13289-13290; FCC 60M-1881]

WALMAC CO.

Order Scheduling Prehearing Conference

In re applications of Howard W. Davis, tr/as The Walmac Company, San Antonio, Texas, Docket No. 13289, File No. BR-411; Docket No. 13290, File No. BRH-691; for renewal of licenses of Stations KMAC (AM) and KISS (FM).

It is ordered, This 3d day of November 1960, on the Hearing Examiner's own

motion, that all parties or their counsel are directed to appear for a further prehearing conference in the above-captioned proceeding at the offices of the Commission in Washington, D.C., at 10:00 a.m., November 16, 1960.

Released: November 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10533; Filed, Nov. 9, 1960; 8:50 a.m.]

[Docket No. 13262; FCC 60-1285]

JAMES J. WILLIAMS

Memorandum Opinion and Order

In re application of James J. Williams, Williamsburg, Virginia, Docket No. 13262, File No. BP-11148; for construction permit.

1. Oral argument upon Williams' exceptions to the Initial Decision was held before the Commission en banc on October 13, 1960. Upon consideration of the Initial Decision, the exceptions thereto, and the matters advanced at oral argument, the Commission is of the view that even though applicant has had an opportunity to demonstrate that his proposed site is the best or only one available, the public interest requires that further evidence on this question be adduced before final action on the instant application can be taken. Pertinent to this determination is the desirability of maintaining the restored appearance of the city involved. We further note that the hearing Order does not presently contemplate waiver of the coverage rules, although some evidence toward this end was admitted. Therefore, the issue will be reframed as follows.

Accordingly, it is ordered, This 2d day of November 1960, That the record herein is reopened and the proceeding is remanded to the Examiner who originally presided at the hearing, for the purpose of taking further evidence with respect to the following issues and for the preparation of a Supplemental Initial Decision:

To determine whether circumstances exist which would warrant waiver of § 3.188(a)(1) of the rules in view of the failure of the proposed operation to provide adequate nighttime coverage of Williamsburg.

To determine in the light of the evidence adduced pursuant to the foregoing issue, and the evidence already adduced pursuant to the original hearing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

Released: November 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-10534; Filed, Nov. 9, 1960; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

NORTH CAROLINA

Notice of Major Disaster

Notice of Major Disaster, published October 25, 1960, for the State of North Carolina (25 F.R. 10148) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 16, 1960:

Cumberland.	Harnett.
Edgecombe.	Johnston.
Halifax.	Nash.

Dated: November 2, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-10492; Filed, Nov. 9, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-74 etc.]

BERKSHIRE GAS CO. ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 2, 1960.

The Berkshire Gas Company, Blackstone Valley Gas and Electric Company, The Bridgeport Gas Company, Central Massachusetts Gas Company, Concord Natural Gas Corporation, The Connecticut Gas Company, Fitchburg Gas and Electric Company, Gas Service, Inc., The Greenwich Gas Company, The Hartford Electric Light Company, Haverhill Gas Company, City of Holyoke, Massachusetts, Gas and Electric Department, The Housatonic Public Service Company, Lawrence Gas Company, Lowell Gas Company, Lynn Gas Company, Manchester Gas Company, the New Britain Gas Light Company, Northampton Gas Light Company, Springfield Gas Light Company, City of Westfield Gas and Electric Light Department, Worcester Gas Light Company, Docket No. CP61-74; Orange and Rockland Utilities, Inc., Docket No. CP61-81; Central Hudson Gas and Electric Corporation, Docket No. CP61-82; Delta Natural Gas Company, Inc., Docket No. CP61-83; Clarksville Gas Department, Clarksville, Tennessee, Docket No. CP61-84; Western Kentucky Gas Company, Docket No. CP61-87; City of Portland, Tennessee, Docket No. CP61-88; City of Booneville, Mississippi, Town of Baldwyn, Mississippi, Docket No. CP61-89; New York State Electric & Gas Corporation, Docket No. CP61-90; Tennessee Natural Gas Lines, Inc., Docket No. CP61-91; Town of Walnut, Mississippi, Docket No. CP61-93; Pennsylvania Gas Company, Docket No. CP61-95; Iroquois Gas Corporation, Docket No. CP61-100; The Humphreys County Utility District, Docket No. CP61-104.

Take notice that on September 12, 1960, the above named applicants in Docket No. CP61-74 filed an application, pursuant to section 7(a) of the Natural Gas Act, and on October 27, 1960, an amendment thereto, for an order directing Tennessee Gas Transmission Company (Tennessee) to sell and deliver to the respective Applicants certain volumes of natural gas in excess of those which Tennessee is presently authorized to deliver to them for a period of one year from the date of authorization, under Tennessee's appropriate rate schedule for its New England zone on file with the Commission, as follows:

	Maximum daily authorization (Mcf @ 14.73 psia)		
	Presently authorized maximum contract quantity[1]	Additional volume requested in this application	Total
The Berkshire Gas Co.:			
North Adams	3,150	1,350	4,500
Pittsfield	4,235	2,173	6,408
Blackstone Valley Gas and Electric Co	11,150	5,680	16,830
The Bridgeport Gas Co	22,338	6,295	28,633
Central Massachusetts Gas Co.—Spencer	1,863	71	1,934
Concord Natural Gas Corp	2,369	210	2,579
The Connecticut Gas Co.:			
Norwalk	1,895	505	2,400
Winsted	608	122	730
Fitchburg Gas and Electric Light Co	3,672	893	4,565
Gas Service, Inc	3,950	332	4,282
The Greenwich Gas Co	6,765	2,271	9,036
The Hartford Electric Light Co.:			
Stamford	9,078	1,122	10,200
Torrington	2,550	450	3,000
Haverhill Gas Co	7,548	2,495	10,043
Holyoke, Massachusetts Gas and Electric Department (City of)	5,780	617	6,397
The Housatonic Public Service Co.:			
Derby-Shelton	6,936	3,344	10,280
Wallingford	3,035	185	3,220
Lawrence Gas Co	8,262	2,635	10,897
Lowell Gas Co	12,954	2,652	15,606
Lynn Gas Co	7,442	1,036	8,478
Manchester Gas Company Manchester Station	4,778	222	5,000
The New Britain Gas Light Co	4,590	2,230	6,820
Northampton Gas Light Co	2,346	398	2,744
Springfield Gas Light Co	20,808	7,456	28,264
Westfield Gas and Electric Light Department (City of)	4,080	900	4,980
Worcester Gas Light Co	24,500	2,000	26,500

[1] Does not include the volumes of Interim G-6 Service which were authorized in Docket No. G-20096 and which will not be available after October 31, 1960.

Said Applicants in Docket No. CP61-74 also request that increased Billing Demands resulting from deliveries by Tennessee of such an interim supply of gas be applicable and effective only during the period such interim supply is authorized.

Applicants in their amendment allege that Tennessee in its answer to the application, dated October 4, 1960, stated that Tennessee recognizes the need for the additional natural gas service which Applicants seek since Tennessee proposed to render essentially the same quantities of additional natural gas service to these Applicants in its system-wide expansion program filed with the Commission in Docket No. CP60-94 on May 2, 1960. Said Applicants further refer to Tennessee's statement in its said answer that Tennessee could render

such service commencing with the 1960–61 winter, by means of its existing pipeline system and operation of new facilities east of storage which Tennessee has been authorized to construct but not to operate; that if Tennessee is ordered to place said new facilities into service, it could serve the additional quantities of natural gas requested during the 1960–61 winter heating season, but that Tennessee does not have sufficient capacity to serve these additional long term requirements, nor is it assured of its ability to proceed with the necessary expansion in the future.

As a condition to obtaining such an interim supply of gas Applicants in Docket No. CP61–74 agree that if, within ninety days following termination of this interim service, they purchase gas from Tennessee in excess of their presently authorized maximum contract quantities and up to the quantities supplied by this proposed interim service, then such excess volumes shall be purchased under Tennessee's G–6 rate schedule.

On September 22, 1960, the above named applicants in Docket Nos. CP61–81, CP61–82, CP61–83, and CP61–84, all existing customers of Tennessee, filed applications, pursuant to section 7(a) of the Natural Gas Act, for orders directing Tennessee to deliver and sell to them volumes of natural gas in excess of the volumes Tennessee is presently authorized to deliver to them, under Tennessee's appropriate rate schedules on file with the Commission. The additional volumes requested in said applications, which are to meet the 1960–61 winter requirements of each applicant are the same as the volumes proposed to be sold to them by Tennessee in its application in Docket No. CP60–94. The volumes presently authorized to be sold to the respective applicants and the additional volumes requested are as follows:

	Maximum daily authorization (Mcf @ 14.73 psia)		
	Presently authorized maximum contract quantity	Additional volume requested in the instant applications	Total
Orange and Rockland Utilities, Inc.	18,000	5,000	23,000
Central Hudson Gas & Electric Corp.	8,030	1,660	9,690
Delta Natural Gas Co., Inc.	6,360	1,040	7,400
Clarksville Gas Department	6,750	450	7,200
Total	39,140	8,150	47,290

The above-named Applicants in Docket Nos. CP61–87, CP61–88, CP61–89, CP61–90, CP61–91, CP61–93, CP61–95, CP61–100 and CP61–104, all existing customers of Tennessee, filed applications under section 7(a) of the Natural Gas Act in their respective dockets, supra, on September 23, 1960, through October 3, 1960, for orders directing Tennessee to deliver and sell to them volumes of natural gas in excess of the volumes Tennessee is presently authorized to deliver to them, under Tennessee's appropriate rate schedules on file with the Commission. The additional volumes requested in these applications, which are to meet the 1960–61 winter requirements of each applicant, are practically the same as the volumes proposed to be sold to them by Tennessee in its application in Docket No. CP60–94. The volumes presently authorized to be sold to the respective applicants and the additional volumes requested by each are as follows:

	Maximum daily authorization (Mcf @ 14.73 psia)		
	Presently authorized maximum contract quantity	Additional volume requested in the instant applications	Total
Western Kentucky Gas Co.	25,884	1,974	27,858
The City of Portland, Tenn.	1,160	100	1,260
City of Booneville and Town of Baldwyn, Miss.	2,482	158	2,640
New York State Electric and Gas Corp.	13,208	2,914	16,122
Tennessee Natural Gas Lines	112,001	10,419	122,420
Town of Walnut, Miss.	200	34	234
Pennsylvania Gas Co.	37,000	5,000	42,000
Iroquois Gas Corp.	92,000	10,000	102,000
The Humphreys County Utility District	2,857	518	3,375
Total	286,792	31,117	317,909

Tennessee has filed an answer in each of the above numbered dockets in substantially the same language and to the same effect as that filed in Docket No. CP61–74, described above, stating that Tennessee has capacity available to serve the respective applicants during the 1960–61 winter season, but that it cannot obligate itself to render such service on a long term basis without additional facilities.

Each of said applicants except Clarksville Gas Department, Clarksville, Tennessee, Docket No. CP61–84, has filed an amendment to its application stating in substance that it will accept an order authorizing service in the volumes requested for the period of one year.

Each of the above-named applicants is a public utility distribution company, a distribution district or a municipality except Tennessee Natural Gas Lines, Inc.

Each of the applications is on file with the Commission and open for public inspection. The principal place of business of each of said applicants is set out in the Appendix [1] attached hereto.

These matters should be heard upon a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1960, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–10496; Filed, Nov. 9, 1960; 8:45 a.m.]

[1] Filed as part of the original document.

[Docket No. E–6965]

IOWA POWER AND LIGHT CO.

Notice of Application

NOVEMBER 2, 1960.

Take notice that on October 28, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Power and Light Company ("Applicant"), a corporation organized under the laws of the State of Iowa and doing business in the State of Iowa with its principal business office at Des Moines, Iowa, seeking an order authorizing the issuance of $10,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1991 and 100,000 shares of Common Stock, par value $10.00 per share. Applicant proposes to issue the aforesaid $10,000,000 principal amount of the First Mortgage Bonds under an Indenture of Mortgage and Deed of Trust dated as of August 1, 1943, to Harris Trust and Savings Bank and Harold Eckhart (W. H. Milsted, Successor Individual Trustee), Trustees, as supplemented and as to be supplemented by an Eighth Supplemental Indenture dated as of January 1, 1960. The First Mortgage Bonds will bear interest at such rate as may be determined by competitive bidding and are to be dated January 1, 1961. Applicant proposes to issue the aforesaid 100,000 shares of Common Stock, par value of $10.00 per share, in December, 1960 under competitive bidding. Applicant states that the purpose of the issuance and sale of the aforesaid First Mortgage Bonds and Common Stock, together with funds generated through operations, is to enable it to retire bank loan indebtedness and to finance construction expenditures through 1961.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 21st day of November 1960 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–10497; Filed, Nov. 9, 1960; 8:46 a.m.]

[Docket No. CP61-61]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 3, 1960.

Take notice that on August 29, 1960, Lone Star Gas Company (Applicant) filed in Docket No. CP61-61 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time from producers thereof during the calendar year 1961, at a total estimated cost not to exceed $1,000,000, with no single project to exceed a cost of $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 8, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10498; Filed, Nov. 9, 1960; 8:46 a.m.]

[Docket No. CP61-75]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 3, 1960.

Take notice that on September 14, 1960 as supplemented on October 19, 1960, Northern Natural Gas Company (Applicant) filed in Docket No. CP61-75 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render economy replacement service (ERS) on a day-to-day basis to its utility customers during the heating seasons between October 27 and May 1 of each year, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The gas to be sold under the proposal herein will be made available from Applicant's total existing system supply and authorized capacity. The purpose of this proposed service is to reduce or eliminate where possible the manufacture of high cost peaking service gas by the utility customers. Said service would be available under Applicant's present Rate Schedule ERS-1 to all utilities who purchase gas under Applicant's firm rate schedules.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 8, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10499; Filed, Nov. 9, 1960; 8:46 a.m.]

[Docket No. CP61-1]

NORTHERN NATURAL GAS CO.

Notice of Hearing

NOVEMBER 3, 1960.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 6, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-entitled application.

Due notice, fixing October 21, 1960, as the last date for filing protests or petitions to intervene in this proceeding, was issued by the Secretary on September 28, 1960, and published in the FEDERAL REGISTER on October 5, 1960 (25 F.R. 9577).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10500; Filed, Nov. 9, 1960; 8:46 a.m.]

[Project No. 2282]

WARREN ELECTRIC COOPERATIVE, INC.

Notice of Application for Preliminary Permit

NOVEMBER 3, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Warren Electric Cooperative, Inc., of Youngsville, Pennsylvania, for preliminary permit for proposed water power Project No. 2282 to be located on the Allegheny River, and affecting a Government dam authorized for construction by the U.S. Corps of Engineers, in the Townships of Kinzua, Meade and Glade, in Warren County, Pennsylvania, and affecting lands of the United States within Allegheny National Forest and lands acquired for the Allegheny River Reservoir. The proposed project, designated Warren Hydroelectric Project, is to be located at the downstream face of the concrete non-overflow section of the Allegheny River Reservoir Dam and will consist of a powerhouse containing 30,000 KW to 75,000 KW capacity, the discharge from which will enter a downstream regulating reservoir, the proposed re-regulating dam to be constructed about 2½ miles from the Allegheny River Reservoir Dam.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 15, 1960.

The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-10501; Filed, Nov. 9, 1960; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Marine Midland Corporation for prior approval of acquisition of voting shares of The First National Bank of Poughkeepsie, Poughkeepsie, New York.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4 (a)(2)), an application on behalf of Marine Midland Corporation, Buffalo, New York, for the Board's prior approval of the acquisition of all the voting shares of The First National Bank of Poughkeepsie, Poughkeepsie, New York; a Notice of Receipt of Application having been published in the FEDERAL REGISTER on August 11, 1960 (25 Federal Register 7662); the said Notice having provided interested persons an opportunity, before issuance of the Board's final order, to file comments and views regarding the proposed acquisition; and no such comments or views having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by Marine Midland Corporation of all the voting shares of The First National Bank of Poughkeepsie, Poughkeepsie, New York, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 4th day of November 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-10502; Filed, Nov. 9, 1960; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 36685: *Substituted service—L&N and Monon for Adkins Transfer Company, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 35), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Hammond, Ind., on the one hand, and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Central and Southern Motor Freight Tariff Associations, Incorporated tariff MF-I.C.C. 224.

FSA No. 36686: *Substituted service—ACL, et al., for Alterman Transport Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 38), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Detroit, Mich., on the one hand, and Jacksonville, Lakeland, Orlando, Sanford and Tampa, Fla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 224.

FSA No. 36687: *Woodpulp—Southern points to Coxton, Pa.* Filed by O. W. South, Jr., Agent (SFA No. A4037), for interested rail carriers. Rates on woodpulp, not powdered, noibn, in carloads, from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Franklin, Va., to Coxton, Pa.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 1 to Southern Freight Association tariff I.C.C. S-143.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36688: *Passenger fares in the United States.* Filed by E. B. Padrick, Agent (No. 3), for interested rail carriers. Involving basic first-class fares and basic coach fares for the transportation of persons between points in the United States.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to the method of disposition of fractions in proposed increased fares.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-10515; Filed, Nov. 9, 1960; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Tupelo, Miss.; effective 11-8-60 to 11-7-61 (men's western and work shirts, boys' trousers).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-60 to 10-31-61; workers engaged in the manufacture of men's woven sleepwear.

Carolina Underwear Co., Inc., Thomasville, N.C.; effective 10-31-60 to 10-30-61; workers engaged in the production of men's and boys' woven pajamas.

The Carthage Corp., Carthage, Miss.; effective 11-1-60 to 10-31-61 (men's pants).

Champ Trouser Co., Inc., Winfield, Ala.; effective 10-26-60 to 10-25-61; workers engaged in the production of men's slacks.

Champ Trouser Co., Inc., Winfield, Ala.; effective 10-26-60 to 10-25-61; workers engaged in the production of ladies' slacks and coordinates.

Dixie Manufacturing Co., Plant No. 2, Columbia, Tenn.; effective 11-12-60 to 11-11-61; workers engaged in the production of women's and girls' shorts, slacks and pedal pushers. Learners may not be employed at special minimum wage rates in the production of separate skirts.

Franklin Ferguson Co., Inc., Florala, Ala.; effective 11-6-60 to 11-5-61 (men's and boys' shirts).

Georgia Converters, Inc., Bremen, Ga.; effective 11-1-60 to 10-31-61 (men's and boys' dress slacks).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10-28-60 to 10-27-61 (men's and boys' sport shirts).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 11-5-60 to 11-4-61 (men's dress and sport shirts and pajamas).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11-10-60 to 11-9-61 (daytime dresses, smocks and dusters).

Reliance Manufacturing Co., Factory No. 45, Bonne Terre, Mo.; effective 10–31–60 to 10–30–61. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's sportswear).

Rob Roy Co., Inc., Cambridge, Md.; effective 11–1–60 to 10–31–61 (boys' shirts).

Salant and Salant, Inc., First Street, Lexington, Tenn.; effective 11–9–60 to 11–8–61 (boys' and juvenile cotton and synthetic sport shirts).

Salant and Salant, Inc., Pine Street, Lexington, Tenn.; effective 11–6–60 to 11–5–61 (men's cotton slacks).

Salant and Salant, Inc., Seventh Street, Obion, Tenn.; effective 11–9–60 to 11–8–61 (boys' and juvenile cotton and synthetic sport shirts).

Salant and Salant, Inc., Washington Street, Paris, Tenn.; effective 11–9–60 to 11–8–61 (men's and boys' cotton and synthetic sport shirts).

Salant and Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11–8–60 to 11–7–61 (men's cotton work pants and boys' cotton pants).

Salant and Salant, Inc., Troy, Tenn.; effective 11–7–60 to 11–6–61 (boys' and juvenile cotton and synthetic sport shirts).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa.; effective 10–28–60 to 10–27–61 (women's and girls' dresses).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11–1–60 to 10–31–61 (men's dress shirts).

Silver Manufacturing Co., 1405 East Columbus Drive, Indiana Harbor, Ind.; effective 11–1–60 to 10–31–61 (men's slacks, jeans, walkies).

Vanderbilt Shirt Co., 29–31 Walnut Street, Asheville, N.C.; effective 11–12–60 to 11–11–61 (men's western sport shirts, ladies' and boys' shirts).

Weldon Manufacturing Co. of Pa., 1307 Park Avenue, Williamsport, Pa.; effective 10–29–60 to 10–28–61 (men's and boys' pajamas).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anderson Bros. Consolidated Co's., Inc., Floyd and High Streets, Danville, Va.; effective 10–31–60 to 10–30–61; 6 learners (men's woven fabric work clothes).

Ellkay Fashions, Chatham, N.Y.; effective 10–31–60 to 10–30–61; 6 learners (junior and misses' dresses).

Robert Dress, Inc., 135 West Second Street, Plainfield, N.J.; effective 10–25–60 to 10–24–61; 6 learners (women's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 10–31–60 to 10–30–61 (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 10–31–60 to 10–30–61 (seamless).

Lynne Hosiery Mills, Inc., 851 North South Street, Mount Airy, N.C.; effective 10–25–60 to 10–24–61 (children's anklets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bear Brand Hosiery Co., Paxton, Ill.; effective 10–31–60 to 10–30–61; 5 learners (full-fashioned).

Webb Manufacturing Co., Inc., Mill Street, Dandridge, Tenn.; effective 10–25–60 to 10–24–61; 5 learners (misses' and men's seamless).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Charles H. Bacon Co., Inc., Loudon, Tenn.; effective 10–31–60 to 4–29–61; 15 learners (full-fashioned, seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 10–31–60 to 4–30–61; 15 learners (ladies' seamless nylons, and cotton anklets).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.75, as amended).

Citizens Telephone Corp., Warren, Ind.; effective 10–28–60 to 10–27–61.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–60 to 10–31–61 (men's woven underwear).

Carolina Underwear Co., Inc., Thomasville, N.C.; effective 11–7–60 to 10–30–61 (ladies' and children's panties, men's and boys' shorts).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10–31–60 to 10–30–61 (knitting, dyeing and finishing knitted cloth for undergarments and sleepwear).

Ilena Mills, Inc., Manufacturers Road, Chattanooga, Tenn.; effective 11–14–60 to 11–13–61 (men's, boys' and children's underwear).

Kain-Murphey Corp., Manufacturers Road, Chattanooga, Tenn.; effective 11–14–60 to 11–13–61 (men's and boys' knitted underwear).

Van Raalte Co., Inc., High Rock Avenue, Saratoga Springs, N.Y.; effective 10–31–60 to 10–30–61 (nylon and rayon tricot knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Northern Shoe Co., Pulaski, Wis.; effective 10–31–60 to 10–30–61; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's shoes).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 3d day of November 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60–10511; Filed, Nov. 9, 1960; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

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